THE COCHIN MUNICIPAL BILL.

* **Mr. Thomas Manjuran** *(Government Advocate and Law Officer).*—Sir I beg to present the Select Committee Report on the Cochin Municipal Bill † and move that the Bill be taken up for consideration. I do not feel called upon to make a long speech in doing so. But I will say just a few words.

As Hon'ble Members are very well aware the Bill as reported by the Select Committee is the result of substantial modifications introduced by the Select Committee in the original Bill. The amendments introduced tend generally to take away many of the controlling powers vested in the Government as incorporated in the Bill as originally introduced. It was pointed out by the Government Members to the Non-official members of the Select Committee that while the Government were anxious to cherish and develop these self-governing institutions it should never be forgotten that these self-governing institutions are after all agents of the State and proper interference when called for if they should become necessary would be only to safeguard the interests of the public. That aspect of the matter was pointedly brought to the notice of the Hon'ble Members of the Committee. While the Government are anxious that they should never interfere with the administration of the Municipalities they are also anxious that in case anything should go amiss, in case the delegated functions granted to these self-governing bodies were abused substantially, the Government should never be helpless to come to the rescue of the victims. This was the principle underlying the Bill as introduced in the Council. The Bill have generally followed the Madras District Municipalities Act of 1920 as amended up-to-date. There may exist some deviations but these were safeguards introduced there not with a view to safeguard the interests of the Government, but to safeguard the interests of the public who are affected by these local self-governing bodies. Hon'ble Members will remember that the institution of Municipalities, the primier self governing institutions in our State, was introduced in something like the present form by an Act in 1085, i. e., 27 years ago. Subsequently, in the year 1096 a Municipal Act was introduced. The Town Councils Act was repealed and the Municipal Act of 1096 was introduced which conferred certain additional powers on the local self-governing bodies. Now,

* Speech not corrected by the Hon'ble Member.

† Vide appendix.

LIBRARY ARCHIVES Kerala Legislative Assembly

the Government thought that in view of the developments going on around us, it was necessary to give more extended powers and grant a more extended franchise to these institutions and this is an attempt on the part of the Government to do so. While doing so, the Government had necessarily to take into account some amount of limitations of the situation. The Government had to remember that these self-governing institutions were comparatively new in this State, that the civic consciousness of public responsibility and self-governing responsibilities which only would justify the complete grant of an autonomous institution is not perhaps fully developed, and that it is better to go cautiously step by step rather than rush into a situation from which it will be very difficult to extricate themselves. The Government had to keep all these things in mind in the interests of the people who are to be governed by these self-governing institutions Act. Fully conscious of their responsibilities and with a view to prevent any serious danger or menace to the people affected by the government of these self-governing bodies, the Government have thought it better to introduce in this Bill certain provisions which do not exist in the Madras District Municipalities Act. But they are not extensive or in any way revolting to the principle underlying self-government. It amounts to this. While a self-governing body like the Municipality continues to function properly, honestly and efficiently, the Government's hand will never be felt. But if by chance a Municipality does not continue to behave efficiently and fairly or, in other words, does not continue to justify the reason for its existence, then it will be the reluctant duty of the Government to interfere to protect the interests of the people. This, Hon'ble Members will realise, is the power given. Now, to reserve powers to the Government to step in the case of such a Municipality will practically be the right and responsibility of the Government. A Municipal Council carrying on its duties efficiently and without any unnecessary discrimination or without any invidious distinction has absolutely nothing to fear of the interference of the Government. The Government will only try to step in whenever the Government's help is sought. On the other hand, if they behave in an undesirable nature the Government will be reluctantly compelled to step in for which and for which alone the power is reserved with the Government. One power, the power of appeal to the Government, is now sought to be reimposed because that was eliminated by the Select Committee. Under the existing Act there is a provision for submitting appeals to the Diwan by people affected adversely by the orders of the Munici-

LIBRARY ARCHIVES Kerala Legislative Assembly

pality or by the Municipal Chairman. During the passage of the Bill through the Select Committee that provision was repealed by a majority vote of the non-official members. The Government after their anxious consideration thought that it was premature to eliminate that provision from the Bill. Unfortunate incidents created by local rivalries and animosities and by reasons of a like nature are not altogether unknown and Government have been in the past, more than once, reluctantly compelled to interfere by people victimised by undesirable considerations that come into existence in certain Municipalities. But these have been few and far between. It is as a precautionary measure that the provision was introduced into the Bill introduced by the Government and now sought to be re-introduced by an amendment. There are also certain other, perhaps less important, matters which the Government desire to be re-introduced, provisions, which have been eliminated by the Select Committee. These will be discussed as and when we are on the amendments. In the meantime I will conclude by repeating that the aim of the Government is to see that these local self-governing bodies who are the agents of the State function properly. The Government have provided ample powers for a satisfactory development of these bodies. Government only want to reserve such power with them as to enable them to interfere in case anything serious is happening in regard to the management of the bodies and if there is any possibility of victimisation of the people governed by these bodies.

* **Dr. A. R. Menon** *(Pallippuram).*—I also wish to associate myself with many of the expressions of the learned Government Advocate. I share equally with him my anxiety that the primary consideration of any measure of this nature must be the interests of the public entrusted to the Municipalities. There is no difference of opinion whatsoever about these points. But I also think that it will be the duty of the non-officials here that under the guise of safeguarding the public interest the Government should not be allowed by this House to abrogate to itself or to interfere unnecessarily or in an autocratic manner with the civic administration of this country. It is much better that the civic administration commits mistakes occasionally rather than it should always be under the Government. We have also given some amendments because we honestly think that the powers conferred upon the Government are of such a nature that it will practically nullify the civic administration, that it places the civic administration as a subordinate body

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

of the Government, that it appoints an officer by itself and all the powers have been transferred to the officer. When such a contingency arises it is the duty of this House to see that the Government is not given unnecessary powers to interfere if and when they like on any flimsy ground. If you proceed on those lines the civic administration will become a Government department. It will become a Government department to carry out the dictates and behoves of the chief executive officer. Sir, some times conflicts of opinion would arise. And whenever conflicts of opinion arise if the Government wants to interfere in municipal administration, I say it is not protecting the poor people, but it is a negation of civic Government. There is no use coming to this Council and say that we only want to protect the interests of the people. I assert and assert vehemently that the Municipal Councils have more interest, have a keener interest, in the welfare of the people entrusted to them than any Government, however nobleminded they are. For these reasons conflict of opinion is bound to arise and I hope and pray that in this conflict each member would be guided by this principle that each one is acting on the best of motives. I don't want to attribute motives to you and you shall not attribute motives to us. There will be a severe conflict in some of these things and I am fully convinced, as you are convinced just the opposite way, that it is essential that those amendments that you have incorporated, amendments which were negatived by the majority of the committee, should not find a place in the Statute Book. For these reasons the Government can expect vehement opposition, violent opposition, with regard to this measure, but in a non-violent manner.

Mr. President.—On behalf of Government I would like Hon'ble Members to bear in mind when they discuss these amendments relating to the powers of control vested with Government one important point. There is no doubt that in an ideal scheme of local self-governing administration local bodies should be practically autonomous bodies free from outside control. (hear, hear). But that carries with it the corresponding obligation that such autonomous bodies should undertake. For instance, take the London County Council. It is for all practical purposes an autonomous body free of all control by the Central Government. But the London Country Council has undertaken the fullest obligation to discharge their duties and responsibilities. Take for instance a big drainage scheme or a water scheme or the construction of a bridge in London. It is the duty

LIBRARY ARCHIVES Kerala Legislative Assembly

of the London County Council. It does not ask for any help from the Government, much less, it makes a contribution to the Government. My point is the assertion of the principle of complete autonomy to local bodies free from the control of the Central Government carries with it the corresponding obligation on the part of the local bodies to shoulder fully all the responsibilities of a civic body without looking to the Central Government for support.

Hon'ble Members in considering these amendments should bear in mind whether the Municipalities in our State are in a position to undertake these obligations without resorting to Government help. Very often we find that even elementary duties which have to be discharged by local bodies are thrust upon the Government. Take for example the Water Works at Ernakulam. Because it so happened for historical reasons that the generosity of a Ruler gave a free water supply so far as the capital expenditure is concerned to the town of Ernakulam, every Municipality in the State is expecting that a similar generosity should be shown to each of the Municipalities. What I say is it is totally inconsistent with the claim for autonomy-free from Government control. In a perfectly autonomous Municipality which is not controlled by the Central Government one of the elementary duties of the local body will be to provide an adequate water supply to the citizens, and find all necessary funds for that. Now here the extravagant demand is that Government should finance all such schemes. The less extravagant demand is that the Government should contribute 50 per cent. Therefore, in the interests of local administration itself, I ask the Hon'ble Members themselves whether this contribution can be given if you take away this control of Government and thereby put an obstacle in the way of the Government giving this financial help. Take, for example, the request for a big loan to a Municipality by the Government or a request that the debenture issued by the Municipality must be guaranteed by the Government. How can you expect the Government to stand surety for a debenture or the issue of such a loan, or much less, issue the loan themselves unless they are satisfied that if anything goes wrong with the Municipal administration they have got the ultimate power of exercising their special responsibility and getting back the money. Therefore, this special power of the Government which, I certainly concede is incorporated, is a corollery to the actual state of affairs that exists now in this State and Hon'ble Members must take that into consideration. In fact they have

LIBRARY ARCHIVES Kerala Legislative Assembly

to balance the advantages and disadavantages, viz., would it be better for the development of municipal administration in the State to completely free this administration from Government control and thereby take the chance of not getting as much financial help or assistance as otherwise would be obtained or would it be better to submit to some amount of control and get as much help from the Government.

Now, my honest opinion is that none of the Municipalities in this State has discharged efficiently and fully even some of the primary responsibilities which are thrown upon local administration and for all these responsibilities they are looking to the Government. This is a very important point which, apart from any theory about Government control or autonomy, Hon'ble Members must keep in mind when discussing these motions.

Dr. A. R. Menon (*Pallippuram*).—Is it the opinion of the President that there is no civic consciousness among the public of Cochin?

Mr. President.—Civic consciousness? It is a matter of opinion. I do not go to that extent.

My general impression is that even compared with the Municipalities in the Madras Presidency there are a great many matters in which the Municipalities look to Government help. The Municipalities come to Government for support. The Municipalities there do not look to the Government to that extent as Municipalities in this State. In an educated State like Cochin, I am not prepared to say that there is no civic consciousness.

Dr. A. R. Menon (*Pallippuram*).—Do not the Government of Madras give loans to the Municipalities there?

Mr. President.—They do but not to the extent here. I have got practical experience of Municipal administration in British India, and I can say that the Municipalities there do not look to Government to the extent that this State Municipalities look up.

Dr. A. R. Menon (*Pallippuram*).—You are giving us some encouragement, Sir. Therefore, I say, weigh the balance. Weigh the advantages and disadvantages and then come to a decision.

Mr. E. Ikkanda Warriar (*Urakam*).—Here the Government is trying to retain this hold on the Municipality.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. President.—Ever since I came here I have had innumerable applications to intervene under section 203 so that there is no use of condemning that power. It is only an ultimate safeguard and it is up to you to prove that it is not necessary. Government have come across very many instances of the abuse of that section. It is only the other day that one Hon'ble Member congratulated the Government for their interference.

Mr. E. Ikkanda Warriar (*Urakam*).—That is only in respect of one Municipality.

Dr. A. R. Menon (*Pallippuram*).—We know good things are forgotten but abuses alone are remembered.

Mr. President.—The motion before the House is that the Cochin Municipal Bill be taken up for consideration.

Motion was put and carried.

Clause 2 was put and carried.

Mr. T. S. Balarama Ayyar (*Trichur North*).—"In section 3, sub-section (viii), line 2, after the figure '1913' add the words 'as amended by Act XXII of 1936' and in line 5 after the word 'as' add the words 'as amended by Act XXII of 1936 and."

Sir, my amendment is, strictly speaking, to make the definition more comprehensive and up-to-date and bring it in line with the definition given to it in the Cochin Co-operative Societies Act. I do not think there is any necessity for me to make a speech.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—Government have absolutely no objection. But I do maintain that the Act of 1913 with all its amendments would be covered by the definition as it is. But there is absolutely no objection to accept it.

Amendment was put and carried.

Mr. T. S. Balarama Ayyar (*Trichur North*).—In section 3, for sub-section (xi) substitute the following:—'(xi) *Executive authority*:—Executive authority means the Chief Officer in the case of Municipalities in which the appointments of Chief Officers have been made under section 13 and Commissioners in the case of Municipalities in which appointments of commissioners have been made under section 13 A and the Chairman in the case of other Municipalities.'

LIBRARY ARCHIVES Kerala Legislative Assembly

Sir, I would like that this amendment of mine may be taken up after disposing 13 A. There are certain implications in this amendment to that section.

Mr. President.—Clause 3 will be taken up afterwards.

Clauses 4 to 6 were put and carried.

Mr. A. V. Moothedan *(Chalakkudi).*—I have given notice of the following amendment: Substitute the following for section 7 (2):— "The councillors shall be elected by the Municipal electors".

Instead of this amendment I may be allowed to move the amendment for which I have given fresh notice.

Mr. President.—I must insist upon sufficient notice for the amendments. This is not a Bill of an ordinary nature and it is unfair to bring amendments at the last moment.

Mr. V. K. Krishnankutty *(Anthikad).*—Can we move an amendment to an amendment?

Mr. President.—Yes.

Mr. A. V. Moothedan *(Chalakkudi).*—Then I move the original amendment. According to section 7(2) the Municipal Councillors are to be partly elected by the Municipal electors and partly to be nominated by the Government. This is against the fundamental principles of democratic institutions. I am very much opposed to nomination. Therefore I move the amendment that all the councillors shall be elected by the Municipal electors.

Dr. A. R. Menon *(Pallippuram).*—I move the amendment that "Government may, by notification in the Gazette, fix a percentage by reserving 20% to the persons belonging to the backward or minority communities and all such councillors shall be elected by the Municipal electors".

The amendment is to delete the 20% nomination and substitute election by reservation of seats. There may be the same percentage to be reserved according to the nature of the minority community. The nature of the reservation depends upon the community and the Municipality. Therefore, by accepting this amendment while the unsatisfactory nature of nomination is got rid of all the advantages of safeguarding the interests of the minority communities are preserved. Therefore I move this amendment to the amendment proposed by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. A. V. Moothedan *(Chalakkudi)*.—I accept that amendment to my amendment.

Mr. T. S. Balarama Ayyar *(Trichur North)*.—In the Malabar District Municipalities Act, the power of Government to nominate members is taken away and there is this reservation.

Mrs. Meenakshi N. Menon *(Nominated)*.—Seats may be reserved for ladies also.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—Government have not had occasion to consider over this matter. It is an important amendment. I would suggest that this amendment may be moved later on.

Mr. President.—I am sure the progress of the Municipal Bill will be retarded if you go on like this and it may not be possible to get this passed within the days set apart. An amendment of this nature cannot be handed over at the last moment. After all it is not a new thing. It goes to the root of the principle of the Bill. The Select Committee have approved of the Bill. If the member wants to take away the power of nomination, he should have given notice of the amendment earlier.

Mr. A. Sankara Menon *(Trippunithura)*.—There is no amendment to section 8. If this is accepted there will be so many consequential amendments for which notice has not been given.

Mr. President.—We cannot postpone the consideration of the clause.

Dr. A. R. Menon *(Pallippuram)*.—I withdraw the amendment.

Mr. A. V. Moothedan *(Chalakkudi)*.—I also withdraw my amendment.

Amendments were, by leave, withdrawn.

Mr. T. S. Balarama Ayyar *(Trichur North)*.—My amendment reads thus: In section 7, sub-section (2), in the proviso, remove the full stop after the word 'number' and add the words 'and of the councillors appointed by Government not more than half shall be Government Officers'.

LIBRARY ARCHIVES Kerala Legislative Assembly

This amendment only fixes the number of Government Officers. Government has been given the power to nominate 20% of the councillors; all the Members so nominated can be Government Officers. I want that not more than half shall be Government Officers. I may also mention that this is the practice prevailing in Mysore.

Mr. K. P. Kannan Nayar *(Secretary to Government).*—Suppose the Government want to have the Civil Surgeon and the Assistant Engineer, both of them have to be nominated.

Dr. A. R. Menon *(Pallippuram).*—There must be some object in the nomination. What is it?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I accept that amendment.

Clause 7 as amended was put and carried.

Clauses 8 to 10 were put and carried.

***Mr. Thomas Manjuran** *(Government Advocate and Law Officer).*—The amendment runs thus: Delete section 11(1) and substitute for it the following:—'Unless Government have by notification directed that the Chairman shall be appointed by them, every Council shall elect one of its members to be its Chairman.'

This is an amendment intended to restore the provision as it existed in the original Bill. It is a power intended for two emergencies. There may be interim periods for which Government have to appoint a nominated Chairman. Suppose there is only a period of one month or fifteen days after the Chairman resigns and before the next election takes place. Again there may be cases when a new Municipality is started in which case it may not be quite safe to have an elected Chairman just from the very beginning. It may be just an experiment. It is only to cover such cases that this amendment is intended. For instance a Municipality has been constituted at Irinjalakuda. For a short period the Chairman has been nominated. After that an elected Chairman may come. For these interim periods it may not be feasible to elect a Chairman. It is not to interfere with the power of election. It is only for such emergencies as I have pointed out.

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

* **Dr. A. R. Menon** *(Pallippuram).*—Sir, there is no restriction imposed in the amendment Government. may, without assigning any reason, refuse to have an elected Chairman. We do not want the Government to have the power of deciding whether a Chairman must be elected or nominated. Two points were referred to by the Hon'ble Member. According to the new Act a vice-chairman steps in when the permanent chairman is not able to do the work. Therefore that objection will not hold water. The second objection is that new Municipalities may be constituted. Then bring in a proviso that for the first three years of a newly constituted Municipality the chairman shall be an official. But in the case of those Municipalities which have elected Chairmen, we do not want the Government to interfere and decide whether an elected or nominated chairman is necessary. This is an absolute negation of local self-government. Take the case of more progressive administrations.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—It is in our Act.

Dr. A. R. Menon *(Pallippuram).*—But we have grown up. You don't feed a baby and an old man with the same food. The Act was passed when the Municipalities were in their infancy. Now we are walking like men. That is the difference. All the objections raised are too flimsy and the arguments are so absurd that it does not require any further elucidation to understand the folly of the objections raised. With these words I oppose the amendment.

Mr. V. K. Krishnankutty *(Anthikad).*—As a member of the Select Committee I wish to offer my remarks with regard to this new amendment. This matter was hotly contested during the committee stage and that clause which is sought to be amended now—in British India in 1933 it was dropped,—was dropped. The Hon'ble Member for Law is now very vehement about the amendment. He ought to have provided for an amendment to the clause for nominating the Chairman for three years or so if he really wanted to make provision for newly constituted Municipalities. The Tahsildar who might have had experience in revenue matters will have absolutely no experience in Municipal matters. With regard to that the Tahsildar is on a par with any member who is elected and all have to begin from the very beginning. There is absolutely no use of this amendment. I oppose it.

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. E. Ikkanda Warriar *(Urakam).*—Sir, I wish to add only one word in opposing this. This amendment is not contemplated to cover temporary vacancies. On the other hand, if the amendment is accepted, the Municipality will lose its right to elect its own chairman without the permission of the Government. Whenever a council is formed, it will have to wait and see whether the Government is going to exercise its power given by this section and only in cases where the Government does not do so will the Municipality get a right to elect its chairman. The normal thing will be not to have the right to elect its chairman although they had been enjoying that right all along. It is a highly retrograde measure. The District Municipalities Act does not contain such a provision. This question was raised in the Select Committee and negatived. I therefore oppose this amendment.

Mr. M. V. Cherian *(Mattancheri South).*—Sir, I have only one observation to make. So far as the Mattancheri Municipality was concerned, on a previous occasion there was a big uproar against the Chairman. Certain specific instances were pointed out. There was even a jatha to His Highness the Maharaja to make certain representations about the unsatisfactory State of affairs of the Municipality. His Highness was pleased to give certain orders in the matter of preparation of electoral rolls and subsequently there was a nomination of a chairman. There was a general discontent and it could be shown only by a jatha. In such emergent cases if the Government is not vested with the power of nominating a chairman it will not be proper. There will be absolutely no objection in retaining this and sparingly using it. Government will not use it in all instances. Only in emergent circumstances will it be used.

* **Mr. Thomas Manjuran** *(Government Advocate and Law Officer).*—Hon'ble Members may be aware that excepting in one or two cases where the Government was compelled by force of circumstances to interfere no action has been taken under this section, except of course with regard to individual Municipalities. Hon'ble Members are also aware of what took place in Chittur. On account of rival factions the Chairman had to be removed and the Municipality had to be placed under the control of an officer of the Government. Hon'ble Members coming from the Chittur Taluq will not easily forget it. Such situations may not arise often. Supposing two factions arise,

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

Government want to give the medicine of a nominated chairman before having recourse to the extreme penalty of dissolution of the council.

Dr. A. R. Menon (*Pallippuram*).—If you had specified the grounds for interference, we would have had no objection.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—Now the objection is non-specification of grounds. The Hon'ble Member may be sure that the Government will never take action unless force of circumstances compel them to do so. Can we include an exhaustive catalogue of all the circumstances? When the Government grant Municipalities and allow an elected chairman Government will not interfere unless there are special circumstances.

Mr. T. S. Balarama Ayyar (*Trichur North*).—Will you explain how the British Municipalities are getting on without a clause like this?

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—That is too general a form of attack. Suppose I retort by asking how the Cochin State was getting on without Municipalities?

Mr. T. S. Balarama Ayyar (*Trichur North*).—Abrogate them.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—Those who read the papers will have read about triangular and quadrangular fights in those Municipalities. They are all growing. Suppose we have such a situation. Look at the conditions referred to by the Hon'ble Member for Mattancheri.

Mr. A. Eachara Menon (*Chittur Rural*).—It does not contain the provision for the removal of the Chairman.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—The Hon'ble Member for Pallippuram banks upon that provision. The Hon'ble Member for Urakam says that there is an executive officer. But he has himself sent an amendment to abolish the post of the executive officer.

Mr. A. Sankara Menon (*Trippunithura*).—If the Government gives that up, we will give this.

LIBRARY ARCHIVES Kerala Legislative Assembly

Dr. A. R. Menon *(Pallippuram).*—Government is having autocratic powers to do whatever they like since the grounds on which they can take action are not specified.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—In fit cases. Government powers will be used in the case of new Municipalities where the Government think that it is not proper to give power to the council to elect its own chairman. It is too much to say that that constitute extra-ordinary power which may nor may not be used unless a proper occasion arises. Government must have some power to tackle the situation as the one which arose in Chittur Tattamangalam.

Amendment was put and negatived.

Clause 11 was put and carried.

Clause 12 was put and carried.

The House rose for lunch at 1-5 p. m. and re-assembled at 2 p. m. with the Deputy President (M. R. Ry., A. Sankara Menon Avl., B. A. & B. L.,) in the Chair.

M. T. S. Balarama Ayyar *(Trichur North.)*—Substitute the following for section 13:—'13 (1) Any Municipal Council may and when required by the Government by an order in this behalf shall within such time as may be fixed therein appoint a chief officer for the Municipality.

(2) The appointment of a person as chief officer shall be subject to the approval of the Government.

(3) No such officer shall, save with the previous approval of the Government, be removable from office, reduced, fined, or suspended unless by a resolution of the Municipal Council passed at a special meeting of the Council called for the purpose, by a majority of not less than two-thirds of the sanctioned strength of the Council.

(4) The chief officer shall be a whole time officer of the Municipality and shall not undertake any work unconnected with his office without the sanction of the Municipal Council and the Government.

(5) The chief officers shall be paid out of the Municipal fund such salary and allowances not exceeding Rs. 250 per mensem, in the aggregate, as the council with the approval of the Government may fix.

Mr. President, Sir, as Mr. Ikkanda Warriar has rightly stated in his dissenting minute that one of the most important proposals in the Bill before the House is the appointment of an executive officer. He is also right in saying that the executive

LIBRARY ARCHIVES Kerala Legislative Assembly

officer as contemplated in the Bill can defy the Council. Mr. A. Eachara Menon in his separate note is for entirely abolishing the appointment of a Commissioner. There is much in his opinion that with the appointment of a Commissioner as contemplated by the Bill, the Municipality ceases to be a self-governing institution. But I do not agree with him in thinking that we can entirely do away with the appointment of a Commissioner. It is idle to expect an honorary Chairman to be able to do full justice to the Municipal affairs. Many important matters will escape his attention and consequently the ratepayers will suffer. I believe in all Municipalities even in democratic countries like England you have executive officers. The executive officer may be an evil but I hold it is a necessary evil. Much of the objectionable features involved in the appointment of a Commissioner can be got over if the appointment is vested in the Council and if he is made responsible to the Council. Unless a case has been made out to the contrary the common law that the man who pays shall have the control over the man paid must be observed. Unless the Government concedes this point they will be cutting across the root of self governing institutions. Unless the Government makes out a case that the administration of the affairs of a Municipality deserves interference they should not thrust upon a Municipality an officer who can snap his fingers at his so called masters. If my amendment is accepted the objectionable feature in the appointment of a Commissioner can be avoided and I do not see why the Government should take any objection to the amendment I have suggested. Before I proceed further I want that my amendments Nos. 6 and 8 may be taken together because No. 6 is for deletion of section 13 and for substitution in its place a new section.

In the first instance the Chairman is supposed to administer the affairs of the Municipality so long as the administration of the municipality by a Chairman is properly carried on, no interference need absolutely be made by the Government. That is the first step. When the administration of the Municipality by the Chairman is not found satisfactory the next step is for the Government to ask the Municipality to appoint the Chief Officer and the Chief Officer according to my amendment possesses all the powers of a Commissioner with this difference that the Commissioner is to be appointed by the Government whereas the Chief Officer is to be appointed only by the Municipality. The appointment of the Chief Officer is of course with the approval of the Government

LIBRARY ARCHIVES Kerala Legislative Assembly

but the municipality is to appoint him. The municipality is to pay him and therefore should appoint him in the first instance, and if even after the Chief Officer is appointed the affairs of the municipality do not improve, the Government can then step in and appoint a Commissioner. The appointment of the Chief Officer then automatically ceases. If my amendment is given effect to, the objectionable feature involved in the appointment of a Commissioner in the first instance before the Government makes out a case against the municipality can be obviated and the Government will not be put to the necessity of giving reasons for appointing the Commissioner. You give a chance to the municipalities to commit mistakes and when they commit mistakes, as the Hon'ble member for Pallippuram put it, you step in and then say 'we gave you an opportunity to conduct your affairs first by the Chairman himself and secondly by the appointment of Chief Officer and we find matters have not improved and we want to thrust upon you a Commissioner. My position is the appointment of a Chief Officer vests in the Council and if and when it is not found quite adequate the Government may step in. There is the provision here also for the Government to appoint a Commissioner. This is the practice adopted in the Mysore State where the city municipalities appoint the Chief Officer whenever they think fit; and they are bound to appoint him when asked by Government. When the Government finds that the administration is not quite up to the mark even with a Chief Officer they appoint a Commissioner. In this connection I wish to draw the attention of the House to one fact. In the Mysore Town Municipalities Bill there is a provision for the appointment of a Chief Officer by the Municipality. That was and is all the existing provision. Recently the Government wanted to introduce some other section corresponding to section 13A giving them power to appoint a Commissioner when they find that the administration by the Chief Officer is not satisfactory. The Legislative Council threw out that amending Bill. So today in Mysore State in the cities of Bangalore and Mysore, in the first instance only a Chief Officer is appointed by the municipality with the approval of the Government. I am requesting the Government to follow the practice adopted in Mysore; that is working satisfactorily in Mysore. Government do not stand to lose anything by accepting the amendment to appoint a Commissioner only after a case is made out to do so, but I say, first give the chance to the municipality to manage their affairs before you condemn them. With these words I commend the amendment to the acceptance of the House.

LIBRARY ARCHIVES Kerala Legislative Assembly

* **Mr. Thomas Manjuran** *(Government Advocate and Law Officer).*—Sir, Government regret inability to accept this amendment. Government do not consider that it is necessary to wait for the appointment of an executive officer till a Municipal administration is condemned. The object of introducing this idea is to secure efficient working of the Municipal affairs where honorary Chairmen obviously may not be able to fulfil efficiently all the works that they are expected to conduct. I really fail to understand what will be the advantage of appointing a glorified Head Clerk.

Dr. A. R. Menon *(Pallippuram).*—Many of you who are sitting there were at one time Head Clerks.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Is it relevant here? The Government only wanted to introduce this universal practice. It is being copied from the Madras District Municipalities Act. The appointments of such officers have been necessitated on account of the exigencies of the service like this. In large municipal areas where the details of day to day work have to be efficiently worked by competent officers it is obviously impossible for a Chairman to go into the details of such work. The question then arises as to what is the remedy. Is it enough if we have a sort of Head Clerk with a bigger pay or is it necessary to have an officer who will have to justify his existence and is liable to be removed by the Municipality themselves? There is abundant power for the Municipal Council to remove him under section 13(4). Section 13(4) is to this effect. "The Government may at any time remove the Commissioner from office and shall do so if such removal is recommend by a resolution of the Council passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the sanctioned strengh of the Council." It is thus seen that there are abundant safeguards to see that the executive authority behaves properly and does not go against the authority.

Dr. A. R. Menon *(Pallippuram).*—With your twenty per cent. nominated members.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—The only function of the executive authority is to carry on the work of the Municipality properly and efficiently. Now it was stated that the executive officer can on occasions, if he choses to do so, flout the opinion of the Municipal Council.

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

It is incorrect to say so. What really is provided for is contained in section 15 which reads thus:—"The executive authority of the Municipal Council shall (a) carry into effect the resolutions of the Council provided that when the executive authority think that any resolution is open to objection on the grounds mentioned in section 34, the Executive authority may suspend the execution of the resolution and submit the case for orders of Government who may then deal with the case under section 34. The executive authority shall be bound to give effect to every resolution unless such resolution is modified or suspended or cancelled by Government. (b)..... Now we shall see what is section 34. It is to the following effect:—"The Government may by order in writing (i) suspend or cancel any resolution passed, order issued or licence or permission granted; or (ii) prohibit the doing of any act which is about to be done or is being done in pursuance or under colour of this Regulation, if in their opinion —(a) such resolution, order, licence, permission or act has not been legally issued, granted or authorised, or (b) ..... (c) the execution of such resolution or order, the continuance in force of such license or permission or the doing of such act is likely to cause obstruction, injury or annoyance to any person lawfully employed or danger to human life, health or safety or is likely to lead to a riot or an affray.....(2) If in the opinion of the executive authority, immediate action is necesary on any of the grounds referred to in clause (c) of sub-section (1) the executive authority may suspend the resolution, order, licence, permission or act.....". If the executive authority is satisfied that a particular resolution has not been legally passed, he does not give immediate effect to it but reports for Government orders. If the Legislative Council is to pass a resolution for which it has no power under the law then the secretary can suspend it and take it for Government orders. Then the Government decides.

Dr. A. R. Menon (*Pallippuram*).—He only suspends. For the time being he is an autocrat.

Mr. Thomas Manjuran *(Goverment Advocate and Law Officer)*.—It is only in those cases mentioned in section 34(c) that the executive anthority is authorised to hold up a resolution. In every other case he is bound to carry out the resolutions of the Council. Now Hon'ble Members will be pleased to notice that it is only in very extraordinary cases like the case of ultravires, injury or annoyance to any person lawfully employed, etc. etc. that the executive authority steps in and says that I take Government orders. It no doubt is an interference with the autocratic powers of a Council. Nobody denies it. But the question is whether that is an unnecessary interference. Now this power granted to the executive authority will be invoked only in cases like the one which I have mentioned before. Government consider that in the interests of the good administration of the Municipalities it is absolutely necessary to have such a power.

LIBRARY ARCHIVES Kerala Legislative Assembly

If the amendment is accepted as suggested by the Hon'ble Member who moved this amendment it will be creating an unpleasant task to the Government viz., they may have to condemn the Chief Officer appointed by the Council. I hope the Hon'ble Member would not like to have such a contingency, and it is entirely unnecessary. I have heard the Hon'ble Member for Trichur north quoting provisions from the Madras Act. Here is a provison which is simply copied from the Madras Act. Now the Hon'ble Member is saying that this does not conform to the Mysore Law. There are abundant safeguards introduced as to the function of this authority. It is not possible for the executive authority to detract from anyone of them. The Government regret that they are unable to accept the amendment moved by the Hon'ble Member for Trichur North.

*Dr. A. R. Menon *(Pallippuram)*.—Sir, I may at the outset say to this House that some years ago my friend Mr. Ikkanda Warriar and myself on our own initiative brought here a resolution, at a time when I was a Municipal Chairman, that an executive officer may be appointed. I make that statement so that the House should not think that it is any selfish motive or any desire to wield autocratic powers that prompts us to offer opposition to this measure. You may ask if you have brought a resolution and supported it why are you going to oppose this measure now. I shall answer that. Even at that time we addressed the President and said while it is essential that an executive officer or an officer entrusted with the general power of executive over the Municipal administration is necessary, two difficulties arose as to how to control him and who is the chief. The difficulty was how to get over the dual control of the Chairman and the Executive Officer. There are great difficulties to bring in a measure by which we can get all the benefits of the appointment of an executive officer without losing the prestige of the Municipal chairman. The matter is not so easy as the Government Advocate or the Government thinks as has been exemplified by the example of some of the Municipalities. If you are only giving power by the weight of the majority that is another matter. If on the other hand you are capable of learning by the experience of others, then you should be the first to realise that the appointment of executive officers in British Municipalities has been a thorough failure. Anybody going to question that? Take the history of any municipality. You will hear, quarrelling between the Chairman

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

and the executive officer. Only three weeks ago an executive officer has been removed by a vote of censure not on account of any specific issue but on account of the inherent austerity of the executive officer that he is an agent of the Government. Then how to find a solution? There are various ways—imperfect methods no doubt—but still it is better than the autocracy which is not specified in the case of the executive officer. The autocracy of a council consisting of 24 or 28 councillors is more tolerable than the autocracy of a single Johnny in the office. What is his position? The moment you draw some Government money, you become intellectual giants, you become men of character. It is absurd to talk like that. When there are 24 members elected by the people, to over-ride their opinion a Jack-in-office comes there and says that he is not going to carry out their mandates. The result is he and the council become quarrelling elements and as days go by the executive officer is compelled more to rely upon the Government. The municipal administration is spoiled and unnecessary voting takes place against the officer and unnecessary criticisms are made against the executive officer. The only way to get over these difficulties is by carefully considering this matter, not by repeating that in British India and all over the world such things exist. If you devise a measure by which the executive officer is appointed or his appointment depends on the good-will of the council half of the difficulties is over. Even if you are going to appoint a commissioner that appointment must be after asking the Municipality to suggest three names and Government selecting one of them. Ask the Municipal council to select one. Somehow or other bring the council into the selection business and throw some responsibility on the municipal council for the appointment of this officer, so that the council may not look upon this officer as an unwanted agent of the Government. You must by some means show the officer concerned that he is under the honorary man. It is only when that man realises that the paid man is under the Chairman that a smooth working of the council can be achieved. No papers shall pass except through the Chairman. You must allow the chairman to punish him with the previous sanction of the Diwan. If you do these there will be a decision as to who is the superior authority. As we stand now, the executive officer not only refuses to carry out the orders of the council but he can rely npon the Government for all orders he can press to the Government that on such and such grounds he cannot carry out the orders of the Council. "Government may by an order in writing suspend or cancel a resolution". The power is conferred upon the officer appointed.

LIBRARY ARCHIVES Kerala Legislative Assembly

by the Government. The object of the bill seems to be not to improve the municipal administration but by some questionable means, by some arbitrary and deliberate method, to curtail the municipality's power so that your creatures may be appointed as Municipal Chairmen and you may dictate to them. The Chairmen will be dancing attendance at the Railway stations. Such type of men you want. You want to retain that power. Yow were getting out sections from the British Act and you have retained those sections which are conducive to you. An officer is appointed by Government, all the powers are given to him. But indirectly Government is getting all the powers of the Municipality. Such an officer is wanted. If you impose such an officer no respectable man will come forward to shoulder the burden of the municipal chairman's post. While I admit that for the practical working it is essential to have an officer it is unthinkable that any respectable man will come and take orders from one of those Jacks in office who are appointed with no qualifications for such a post except those qulifications which are necessary now. What those qualifications are I am not going to say. I think nobody will go unless he wants to commit some theft. For respectable people it would be a dishonour to be under such officer. If it is for corrupt practices there is some scope. This amendment if carried out the whole thing is vitiated, the municipal administration will go down and the proper type of men will not come forward. If it is the intention of Government to make it innocuous then certainly no better method can be devised than this one. Whether this bill is withdrawn or not, we are going to press this view and we hope and trust that the house will realise fully well that it is hundred times more difficult to get an atom of power from them than to surrender. All these songs should not influence you. All these apparent reasoning and that evident anxiety to safe-guard the interests of the taxpayer should not allow the house to be moved. If by careless handling and party bickerings you forget this principle you will be sorry for the action you have taken in your cooler moments.

Mr. A. V. Moothedan *(Chalakkudi)*.—I oppose this amendment, not out of any party feeling. There is absolutely no difference between a commissioner and a chief officer. It is agreed that an executive officer is necessary. It is only a difference in name. The appointment of a chief officer is subject to the approval of the Government. In this case the Council can recommend. The Hon'ble Member for Pallippuram made

LIBRARY ARCHIVES Kerala Legislative Assembly

the suggestion that the Government may suggest to the Municipality to suggest a few names, before the Government make the appointment of the commissioners. I welcome that suggestion. Government might consult the Municipality before making the appointment. But this amendment does not serve any purpose at all. It is only to create unnecessary trouble between the Municipality and Government. In essential matters it is the same thing. If the commissioner can become an autocrat the Chief Officer can also become an autocrat. When once a Chief Officer is appointed, he gets all the powers conferred by the statute on a Commissioner. The Chief Officer as well as the Commissioner should he removed by the same formalities. The Municipal Council cannot remove a Chief Officer, according to its whims and fancies.

Mr. V. K. Kishnankutty *(Anthikkad).*—Sir, I wish to add a few words to the discussion of this very important matter. The learned Government Advocate has been harping upon the fact that this system as provided for in this bill prevails not only in British India but all over the world. I would ask him most humbly what is the basis on which he has stated that the Municipal administration all over the world is carried on through the agency of Commissioners who are appointed by the Central authority, the State. On the other hand we have the authoritative pronouncement from the Hon'ble the President that in the London County Council that county is supreme, absolutely supreme, in the administration of its affairs. Distinguishing that administration from our own administration the President was saying if you want the sole power you must be self sufficient, you should not come forward and ask for any help by way of loans. That was the distinction. I have also myself made some inquiry into the matter and I may say on the authority of Dr. Dillon that the Municipal administration or machinery differs widely in different countries of the world. I shall read one sentence from the learned author. "Where the essential powers of the Municipality as in England is in an elective Council which elects its Mayor and appoints its standing Committees and which holds the various administrative powers or as in New York where the specific powers are in a autocratic Mayor and in elective commissioners, etc." So the Comissioners in New York are elected. I would only say that the Municipal administration all the world over may be different. What is good for London may not be good for New York and what is good for New York may not be good for Bombay. The essential principle is that in the administration of local affairs the citizens who

LIBRARY ARCHIVES Kerala Legislative Assembly

are to bear the responsibility and who are to reap the advantages of good and efficient management, are to be given the sole power. If they are given the sole power it serves as a training for them for obtaining local self-government. This power of local self-government is vested in the Municipality or in a local self-governing unit. It only enhances the good will and efficiency. If that power is not exercised or possessed then the power for self-government will gradually decrease. The interests of citizens for self government will gradually decline. I do not wish to dialiate more upon the general principles but I would read a few passages from the Editorial of a newspaper which has given its opinions on this matter. The Malabar Herald has in its Editorial written as follows: "The Municipal Bill, though fundamentally in the wake of the Madras Municipalities Act, could without advantage or rather with advantage, retained or included what was reasonable and suitable to Cochin, which State can in many respects lead British India rather than follow it. The introduction of Commissionership purported by the new Bill is a backward step, indeed which the broad visioned Diwan could have avoided in the first instance itself. The fact that commissioners are an unwise adjunct to self Government is vouched for by Sir A. P. Patro speaking at a public meeting at Madras recently. He said "The wholesale appointment of, with a few exceptions, commissioners in District Municipalities is a retrograde step crippling local self-government in urban areas and destroying any vestige of responsibility and administrative training." The essence of self-government is destroyed by this arrangement, which we are sure the Government recoursed to in British India only as an effective means to check the absurdities of Municipal Chairmen and maladministration. Again in cities these officers were found essential to help the chairmen in the execution of works espeditiously. Along with this we cannot also forget that this system is worked as an experiment, and signs are not wanting to show that it would be dropped away as soon as the wrongs of self-government are righted. The words of the Hon. Diwan Bahadur S. Kumaraswami Reddiar, Minister for Education and Local Self-Government uttered in reply to an address presented to him by the Tirupattur Municipal Council are remarkable. He said "The maladministration that we noticed in a number of Municipalities in this presidency made it necessary for the Government to undertake this experiment", which he characterised as an unsatisfactory system. The basic principle of self-government elaborated upon and assured by His Majesty's Government in India is set at nought by Commissioners."

So British India which tried the experiment of Commissioners appointed by the Central Government are rather diffident or at any rate are not confident of the success of the scheme. In City Municipalities there is a Commissioner but the Commissioner has not got so much powers as the Commissioner appointed under the District Municipalities Act at Madras. There many of the matters are looked after by elective commit-

LIBRARY ARCHIVES Kerala Legislative Assembly

tees who are to do different duties. Moreover the appointment of a Commissioner is not quite necessary because the Chief Officer as contemplated by the amendment can efficiently manage the matters of a Municipality. No doubt the House is for the appointment of a Chief Officer who will be able to manage the day to day conduct and affairs of the Municipality, but not over-riding the powers of the Municipal Council under the direction of the elected members of the municipality. I myself was for the appointment of an executive officer. But at that time I did not know that there was such a provision in the Mysore District Municipalities Act which is a lesser evil. The Chairmen are honorary men who have their own occupations and avocations and they cannot be expected to look after the interests of the Municipality in an efficient manner and for that the appointment of a Chief Officer is contemplated by the present amendment. That is striking a via media.

Mr. A. V. Moothedan *(Chalakkudi)*.—Will not the Chief Officer have all the powers under section 18?

Mr. T. S. Balarama Ayyar *(Trichur North)*.—Except the power of suspending the resolutions of the Municipality.

Mr. M. V. Cherian *(Mattancheri South)*.—By this amendment the principle is accepted that a certain officer is wanted for the Municipality whether it is the Commissioner or the Chief Officer. My humble submission is that there are party bickerings and there are all sorts of clashes between communities and classes. It will be proper if the power is vested in the Government so as to rise over party politics in emergent cases. When a Chairman and the Councillors are returned in a Municipality there will be opposition and there will be people to carry favours with the Chairman. Therefore the question of appointment of the Chief Officer will be also a party question. The Chairman sides with the Councillors and appoints his own officer with the approval of the Government. Now when a Chairman is returned by a party consisting of a number of Councillors the Chairman and those Councillors who favoured him will make their own recommendations and put up their own candidate for appointment. When we see that elections are not conducted on parliamentary party tickets but by certain persuasions and also other means it is better that the power of appointment of the commissioner rests with the Government. Now whenever a Municipal election is conducted within a Municipality we find not the party ticket, not that public spirit, but certain personal interests added with certain other things. My

LIBRARY ARCHIVES Kerala Legislative Assembly

humble submission is we do not get an ideal Chairman and ideal Councillors. If we can improve that situation I think it will be better that the Chief Officer comes from the Council and as situations now stand we find elections are not on sound principles, and so my submission is that the Chief Officer who is appointed or who is recommended by the Chairman and the Council will be of no avail to ease the situation. Therefore my submission is that an executive commissioner is absolutely necessary.

Mr. E. Ikkanda Warriar *(Urakam)*.—Sir, I have expressed my opinion about the appointment of a Commissioner in my dissenting note. I was always and I am still of opinion that much of the routine work of the Chairmen may be got done by an executive authority. I think it was I who for the first time in this Council requested the Government to relieve the chairmen of some of their routine work but I was always against that executive officer being appointed by and placed under the Government. He ought to be a servant of the Municipal Council. That has always been my position. When I found that I cannot persuade the members of the Select Committee to accept that position, I gave up that position in despair. But now I find that the suggestion made by the amendment is a via media. I am sure that must be acceptable to any Member.

Mr. A. V. Moothedan *(Chalakkudi)*.—No.

Mr. E. Ikkanda Warriar *(Urakam)*.—I am very glad that the Hon'ble Member for Chalakkudi has contradicted me because I am sure that he would not do so if he has understood the real implications of the amendment. If I am able to make him understand what the implications are, he will certainly support this amendment.

Mr. K. T. Mathew *(Kunnamkulam)*.—He will never care to understand.

Mr. E. Ikkanda Warriar *(Urakam)*.—I will not believe it. I live in hopes and I have every hope that he will understand me. He says that he does not find any difference in these officers. There is one fundamental difference. Now what we find is this. As it is the executive work of the Municipality is done by the Chairman but what is proposed by the amendment is to transfer that power to the hands of a Commissioner. That is the most fundamental principle in this amendment. Now what is the proposal in the amendment made by the Hon'ble Member for Trichur North? He proposes to have two officers to execute

LIBRARY ARCHIVES Kerala Legislative Assembly

the works of the Municipal Council. This executive power of the Municipality is transferred from the Chairman to the hands of the Chief Officer who will be a nominee of the Council in the first instance. The Council which has the supreme power delegates its power to its own nominee. In the other cases part of the functions of the Municipal Council which had been in the hands of the Chairman is taken away by the Government and handed over to the Executive Officer appointed by the Government. On the other hand if you accept the amendment moved by the Hon'ble Member you have the same executive officer called the Chief Officer. He will have all the powers given to a commissioner. The only difference is that the Municipality can appoint him. The initiative is given to the Municipal Council to appoint a Chief Officer and if a Municipality does not exercise that right the Government can ask the Municipal Council to appoint a Chief Officer and if that is not done the Government can appoint a Commissioner. When the Government asks the Municipality to appoint a Chief Officer the Municipality is bound to obey and appoint a Chief Officer. Even this power of the Municipality is more nominal than real. The choice of the personnel of the Chief Officer is controlled by the Government. If the Government is not satisfied with the selection of the person made by the Municipality, it can refuse to approve it and ask the Municipality to nominate another. The real question is about the control of that Officer. Here is a man to carry out the resolutions and directions of the Municipal Council. Who will do it better? Is it the man appointed by the Council or is it the one appointed by a foreign agency? I ask this simple question to the Hon'ble Member for Chalakkudi. He has a clerk in his Office. I ask him whom will he prefer—the clerk of his choice, whom he can appoint and dismiss or a clerk appointed by another with practically no control over his choice or work, not even to grant a day's leave to him. That is the only difference and it is a fundamental difference. I submit, Sir, that this cuts at the very root of self-governing institutions. A word about the speech of the Hon'ble Member for Mattancherri before I close. He seems to be very much prejudiced on account of, perhaps, the disappointments he had from the present Mattancherri Municipal Chairman.

Mr. A. Eachara Menon (*Chittur Rural*).—What is the difference between the Chief Officer and the Manager?

Mr. E. Ikkanda Warriar (*Urakam*).—The Hon'ble the Law Member was telling us that he is only a glorified Head

LIBRARY ARCHIVES Kerala Legislative Assembly

Clerk or Manager. He is not right. At the present the Managers have not the power to sign Bills or call for tenders or do any executive acts.

Mr. A. Eachara Menon *(Chittur Rural)*.—These powers may be given to them.

Mr. E. Ikkanda Warriar *(Urakam)*.—There must be a law entitling him to exercise such functions. These powers are given to the Chief Officer by this amending Bill.

Mr. A. V. Moothedan *(Chalakkudi)*.—I am still in the dark about this amendment.

Mr. E. Ikkanda Warriar *(Urakam)*.—Sir, if that is really so, I confess my inability to take him out of that darkness. He wants to see light and yet will not open his eyes. The only difference between the two is that the Chief Officer is appointed by the Council subject to the approval of the Government and the Commissioner is appointed by the Government without any reference to the wishes of the Council. The powers of both are the same—Sir, as an answer to many of the questions raised by the Hon'ble Member for Mattancherri I may be permitted to read a small passage from the speech of Sir A. P. Patro made in the Madras Legislative Council when this very question was raised there. He has answered all the points raised by the Member for Mattancherri.

"Are you not aware of cases where in the secretariat decisions which were come to by the Municipalities and local bodies were questioned? Is there not already a cry that because there is discontent in such matters, the Secretariat itself should be abolished. Are there not cases in certain departments even now where abuse of power has led us to say that we should even go to the extent of abolishing those departments? Even granting that there are irregularities in the administration of Municipalities, is that the remedy that you will propose? You have got power under the present Act which has only recently come into operation—a few months back not even a longer period—to meet cases of abuse of power. Of course in exercising the powers the peoples' representatives will make mistakes but they will learn by mistakes. So, let them make mistakes and learn. Have the originators of this Bill come to their present position of intelligence and knowledge of affairs without struggle, without training themselves in the art of local administration? So if there are bad Municipalities in this province—and there are bad Municipalities—they are found everywhere; they are found all over the world. The Hon'ble Member for Chittoor has referred to the efficiency of local bodies in England. In the newspapers almost every day you will find something about them—cases of misappropriation, cases of abuse of powers, cases of dismissals and prosecutions; reports of such things can be found in the newspapers in England. So such mistakes are incidental; human nature is there. You cannot escape such mistakes by

LIBRARY ARCHIVES Kerala Legislative Assembly

putting in this drastic provision. You cannot say that because there is disease in a limb, you must cut out the limb altogether. I do not say that there are no Municipalities which are not wholly working in the public interests, no doubt there are some where such mistakes are eating into the very vitals of local self-government. But the remedy is, you must create a spirit of public trust and public responsibility in them, and it is not by legislation alone that you can do it. If you find that there are those influences and forces or tendencies that go to make up these irregularities, you must remove the root cause and see the mistakes are not made. The remedy surely does not lie in giving power to the Government. Today the Government have got already power; if a Municipality mismanages its own affairs or if a Municipal Chairman does not carry out his duties in the interests of the public, the Government can interfere and supersede the Municipality; and in the latter case, the power to remove the Chairman is vested in the hands of the people's representatives".

I cannot answer the points raised against this motion in better language. The original Bill is a very drastic measure which affects the fundamental rights of the representatives of the people to manage their own affairs. I hope that this motion will have the support of the whole Council.

മിസ്റ്റർ കെ. അയ്യപ്പൻ (*Ezhuvas South*).— ഇപ്പോൾ ആവശ്യപ്പെട്ടനാതുപോലുള്ള അധികാരം ഗവമ്മെണ്ടിനു വേണമെന്നു പറയുവാനുള്ള ന്യായം ദിവാൻ പ്രസിഡണ്ടവർകൾ ഇന്നു രാവിലെ പറയുകയുണ്ടായി. ഗവമ്മെൻറു പണം കൊടുക്കണം, ലോൺ റെയിസ് ചെയ്യുന്നതിനു ഗാറണ്ടി കൊടുക്കണം. ഈ രണ്ടു സംഗതികളാണ് അദ്ദേഹം പറഞ്ഞതു്. ഇവിടെയുള്ള മുനിസിപ്പാലിറ്റികളുടെ സഹായം ഗവമ്മെണ്ടിനു വേണ്ടെന്നു പറയുവാൻ ഇപ്പോൾ സാധിക്കയുമില്ല. ആ സഹായം വേണമെങ്കിൽ ഇപ്പോൾ ആവശ്യപ്പെട്ടനമാതിരി നിയന്ത്രണാധികാരങ്ങൾ ഗവമ്മെൻറിനു ആവശ്യമാണ്. ഇതാണു ദിവാൻ പറഞ്ഞതു്.

പണം കൊടുക്കേണ്ട നിലയിൽ ഇരുന്നാൽ ഗവമ്മെൻറു പണം കൊടുക്കണം. അതിനു എന്തെങ്കിലും വ്യവസ്ഥചെയ്തുകൊള്ളുക, അതു വേറെ കാര്യം. അതും അധികാരം കൈവശംവെക്കേണ്ട കാര്യവും കൂട്ടികുഴക്കേണ്ട ആവശ്യമില്ല. ഒരു സ്വയംഭരണ സ്ഥാപനത്തിനു അധികാരം കൊടുക്കുവാൻ ഗവമ്മെൻറുദ്ദേശിക്കുന്നുണ്ടെങ്കിൽ അതു ശരിക്കു നടക്കുമോ ഇല്ലയോ എന്നേ നോക്കുവാനുള്ളൂ. എബ്യൂസ് രണ്ടു ഭാഗത്തും വരും. അതാതു കാലത്തിരിക്കുന്ന ആളുകളെ ആശ്രയിച്ചായിരിക്കും എബ്യൂസ് വരുന്നതു്. മുനിസിപ്പാലിറ്റിയുടെ കാര്യത്തിൽ ഒരു ഗുണമുണ്ടു്, എബ്യൂസ് ദീർഘമായിരിക്കയില്ല. മുനിസിപ്പാലിറ്റിയിൽ മൂന്നു കൊല്ലത്തേക്കേ അതു നിൽക്കുകയുള്ളൂ, ഗവമ്മെണ്ടിലാണെങ്കിൽ 5 കൊല്ലത്തേക്കു നിൽക്കും. ഇതു വ്യത്യാസമേയുള്ളൂ.

LIBRARY ARCHIVES Kerala Legislative Assembly

ഇനി വേറെ ഒരു സംഗതി പ്രധാനമായിട്ടു പറയുവാനുള്ളതു് ഗവ മ്മെണ്ടിൽനിന്നു കമ്മീഷണർമാരായി വയ്ക്കുന്നവരെല്ലാം ഓരോ മുനിസി പ്പാലിറ്റി പ്രസിഡണ്ടുമാരേക്കാൾ സ്റ്റാറ്റസിലും, പ്രാപ്തിയിലും മറെ ല്ലാ കാര്യങ്ങളിലും ഇൻഫീരിയർ ആയിരിക്കണം.— ഡാക്ടർ ഏ. ആർ. മേനോനോ മറേറാ ചെയർമാനായിരുന്നാൽ കമ്മീഷണരായിട്ടു് വയ്ക്കു വാൻപോകുന്നതു് ആരെയായിരിക്കുമെന്നു ഊഹിക്കാമല്ലോ.—ചെയർമാ നേക്കാൾ സർവ്വവിധത്തിലും താഴെ നിൽക്കുന്ന ഒരുവൻ വന്നു ചെയർ മാനോടും കൌൺസിലിനോടും അധികാരം പ്രയോഗിച്ചാൽ,—ന്യായ മായിട്ടു തന്നെയായാലും— അതിൽ പല തെറ്റിദ്ധാരണകളും വഴക്ക കളും കുഴപ്പങ്ങളുമൊക്കെ ഉണ്ടാകും. അതുകൊണ്ടു അതു കുഴപ്പത്തിന്റെ കാര്യത്തിൽ മുനിസിപ്പാലിറ്റിയെ കൊണ്ടുപോയിടരുതെന്നാണു് എ നിക്കു പറയുവാനുള്ളതു്. ഇപ്പോൾ ഗവമ്മെണ്ടിന്നു തീരെ അധികാര മില്ലാത്ത നിലയിൽ വന്നിട്ടില്ല. ഏതാണ്ടു ഒരു രാജി നയമാണു് ഈ ഭേദഗതിയിലും വരുത്തീട്ടുള്ളതു്. ഗവമ്മെൻറു ജനങ്ങളുടെ കാര്യങ്ങളി ലെല്ലാം താല്പര്യമുണ്ടെന്നു പറയുന്നതു പരമാർത്ഥമാണെങ്കിൽ അവരു ടെ സ്വയംഭരണാധികാര കാര്യത്തിലും താല്പര്യമുണ്ടായിരിക്കണം. അ വക്കു സ്വയംഭരണാധികാരം കൊടുക്കണം. അവർ അതു ഉപയോഗി ക്കണമെന്നും അവക്കു് അതു ഉപയോഗിക്കുവാനുള്ള പ്രാപ്തി വരണമെ ന്നുമുണ്ടെങ്കിൽ ഈ ഭേദഗതി ഗവമ്മെൻറു സ്വീകരിക്കണമെന്നാണു എ നിക്കു പറയുവാനുള്ളതു്.

Mr. A. Eachara Menon *(Chittur Rural)*.—I have tabled an amendment to the effect that the whole of section 13 should be deleted. That amendment may be taken first.

Deputy President:— If this amendment is carried then your amendment automatically goes. If it is defeated then your amendment will stand.

Mr. T. S. Balarama Ayyar *(Trichur North)*.—Mr. President, Sir, we are all agreed on one point. The members on the treasury benches and on this side think that it is highly necessary, that it is advisable, in the interests of good administration, that an executive officer should be appointed. We are agreed on that point. The next point is what is the difference between the proposal made by me and that contained in the Bill. When the appointment of the executive officer is made by the Municipality, I give him the name of Chief Officer, and when the appointment is made by the Government the name of Commissioner is given to him. Practically there is no difference between the Chief Officer and the Commissioner except that in one case the appointment is made by the Council with the approval of the Government and in the

LIBRARY ARCHIVES Kerala Legislative Assembly

other case the appointment is made by the Government without consulting the Municipal Council. The Law Member stated that if the appointment is made by the Municipality his status is lowered, and he is nothing but a Head Clerk. The answer to that has been sufficiently given by the Hon'ble Member for Chalakkudi that there is no difference between the two officers. Therefore I do not intend wasting the time of this House on that point. Then is that all the difference he asks? I say that is all the difference but that is a very fundamental difference. As I said before the common sense law requires that the man who pays must have the control over the man paid. That vital rule is cut across by the Government's proposal to appoint a Commissioner behind the Municipality. That is one point. Then the member for Chalakkudi says that here also the appointment is to be made with the approval of the Government. True! but my point is the Municipality has got a voice in the appointment because the initiative is theirs. That is a very big difference. The Municipality suggests the name of 'A' as the Chief Officer and the Government says 'no'. But the Government cannot appoint another person themselves. Then the Municipality suggests the name of B. Government again says no. The Municipality suggests the name of C and again they say no. This will indicate that the Government have no confidence in the Municipality because several names are suggested and the Government rejects all. Will any Government do so? It is quite possible that the very first name may not be approved by Government but the right to nominate, a second or third name vests with the Municipality. That makes the difference. The Chief Officer is created by the Municipality, it may not be A or B but may be C. If the Commissioner is to be appointed by the Government with the Municipalities having no say in the matter, how can you expect that Commissioner to carry out the behests of the Municipality. As it is, he is both a servant as well as a master. That is unthinkable. No man can be a servant and a master. The Government Advocate says that it is only in certain cases that he can suspend the Resolution. Are you not cutting at the principle involved in the whole Bill? Can a servant even for a moment have the power to suspend a resolution passed by a Council consisting of more than 20 persons elected by the People? It is the first time that I hear that 20 persons can be autocratic. It is a contradiction in terms. I can understand 2 or 3 persons behaving autocratically. It is a Council consisting of 20 or 25

LIBRARY ARCHIVES Kerala Legislative Assembly

persons elected by the ratepayers; how can you call them autocrats? If for a second at least he can suspend the resolution passed by his masters I submit, it is an insult to the Council. The Law Member was saying that he has copied these things from the Madras District Municipalities Act. There the executive officer is not given the power to suspend the resolution. There it is given to the Collector. The Bill before us is giving Commissioner the power which a Collector possesses in British India. It is not to a servant of the Municipality that the power is given. The Collector or the District Magistrate is given the power to suspend the Resolution. When that particular section was under discussion the Non-official members of the Madras Council took very strong objection to give that power even to the Collector and here it is rather surprising that our Government should have thought that this Council should be so very tame as to allow an executive officer, a servant of the Council, to exercise his discretionary power over his masters. I do not think that there is much necessity in dwelling upon this point. What I say is before you condemn the Municipality you should not exercise your power to thrust upon them a man whom you call their servant and for whom at the same time you give certain powers over the Councillors. This is unjust. First give a trial to the Municipality. See if they are able to manage their own affairs. When you find that the administration is not being done properly then you can come forward and appoint a Commissioner.

Mr. A. V. Moothedan *(Chalakkudi)*.—Is there anything prohibiting the Government from consulting the Council?

* **Mr. Thomas Manjuran** *(Government Advocate and Law Officer)*.—Nothing. I do not wish to make a long speech. The matter has been well debated and both the aspects of the matter have been put forward and I wish to add only a few words. Three points were raised by the protagonists of this motion. If an executive officer is appointed the Chairman will become a smaller man and no one with self-respect will come forward as Chairman. It is rather exaggerating things. I do not know whether it has been found difficult to find a Chairman. I find also that under the Congress regime the Municipality which is nominated by the Congress has accepted the appointment of an officer as Commissioner of Municipalities. So also in other Municipalities. An executive officer

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

can never be and is not intended to be equal in status or an overrider of the Chairman. The Council and the Chairman lay down the policy with regard to everything that the Municipality has got to do. He executes only the orders communicated to him by the Chairman. His function begins and ends there. He simply carries out the mandates of the Council. How can you say that he is equal to or superior to the Chairman? This has been grossly exaggerated. No chairman whose interest is to see to the welfare of the Municipality will be under the executive officer.

Dr. A. R. Menon *(Pallippuram)*.—Was there not an example of interference in the case of a self-less aud honest Chairman looking after the interests of a Municipality on account of the personal animosity on the part of the Cochin Durbar? I refer to my case.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—There is no fear that the executive officer will ever predominate the Chairman.

Mr. K. Ayyappan *(Ezhuvas South)*.—Can he not refuse to carry out the resolutions of the Council?

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—He can in some cases, if it is against the law and if the Municipality goes out of his way. Then the Government interfers. Now, that sort of check exists all over the world.

Dr. A. R. Menon *(Pallippuram)*.—All over the world. Without knowing it you say that?

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—It must exist.

Dr. A. R. Menon *(Pallippuram)*.—That is your wish.

Mr. K. Ayyappan *(Ezhuvas South)*.—What about the London County Council?

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—Do the Hon'ble Members want me to tell them whether there are executive officers in the rest of the world excluding India? I never said that the officers corresponding to the executive officer proposed to be appointed here were officers appointed by the Government.

Dr. A. R. Menon *(Pallippuram)*.—They are elected and appointed by the Council. That is the point. What is the use

LIBRARY ARCHIVES Kerala Legislative Assembly

of asserting here that there are executive officers all over the world unless it be to create a false impression? I am not such a fool as to commit such mistakes.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I shall never have the audacity to call any Member of this House, much less the veteran Member for Pallippuram, a fool. I was stating the proposition even as the Hon'ble Member stated. But the Hon'ble Member for Pallippuram challenges me. What I was saying was there are executive officers appointed in all the major municipalities all over the world. (Some Members: By whom?) By whom? Hear me for some time. If half a dozen Members shout how can I answer? I suppose we are not having a debate here but some other thing.

I never meant to say, and if Hon'ble Members understood otherwise I am sorry for having used obscure language, that the executive officer of the London County Council or the Birmingham Municipality are appointed by the Government. What I meant to say was that it was necessary in all major Municipalities where important works have to be carried out to have executive officers. (Some Members: We want it, we want it). If Hon'ble Members will give their opinion one by one I can understand it.

What I was saying was that executive officers do exist and are necessary in all the important Municipalities of the world. In India most of these officers are appointed by the Government under one or the other law existing here. It is quite open to the Members to say that it is a wrong law let us not quote the British Indian Law let us quote the Mysore Law.

Dr. A. R. Menon *(Pallippuram).*—Whatever that may be, it should be reasonable.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Why should Hon'ble Members suspect that we are not reasonable. I can perfectly concede that every Hon'ble Member on the other side is absolutely reasonable from his view point just as Hon'ble Members will have to concede that we are reasonable from our view point. So, my argument is, granting that an executive officer is necessary for such institutions the further question is whether there is anything wrong—or unacceptable to the Hon'ble Members on the other side, in this proposal of appointing executive officers on the lines proposed in this Bill or whether the proposal be improved from the view point

LIBRARY ARCHIVES Kerala Legislative Assembly

of the Hon'ble Members on the other side by adopting the proposals put forward by the Hon'ble Member for Trichur North. You concede that there must be somebody to effectively carry out the mandates of the Municipality. How that man should be appointed is the question. With regard to that matter the Government definitely think the best way is the way they have suggested.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—We think otherwise.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Cannot the Government think as Hon'ble Members think? Government think in a particular way. Hon'ble Members think in a different way. Government consider yours wrong whereas Hon'ble Members consider that our view is wrong. If the proposal of the Hon'ble Member for Trichur North is accepted what is to be gained? He says that the prestige of the Municipality will be saved. You think the Municipality will have the proposing power. In the other case you will have no power. Granted. It is so. But the Hon'ble Member stated that is all the difference between the two. It is not and which I will prove even to the satisfaction of the Hon'ble Member for Pallippuram. The Hon'ble Member for Trichur North was saying that the Executive Officer of our creation would be a dummy whereas the Commissioner of his creation I say, would be a dummy.

Dr. A. R. Menon *(Pallippuram).*—Do you mean to say that you are a dummy? Are you a dummy? What is the meaning of saying such things? If we are to accept that then 13 of you there are dummies because there is the Diwan above you.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I never called the Hon'ble Member for Pallippuram a dummy.

Dr. A. R. Menon *(Pallippuram).*—You called the Commissioner a dummy.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I repeat the statement that the Executive Officer appointed by the Municipality, that the Commissioner envisaged by the Hon'ble Member, would be a dummy. I maintain that.

Dr. A. R. Menon *(Pallippuram).*—It is very pitiable that the Law Member of the Cochin Government bring in such an argument and .....

LIBRARY ARCHIVES Kerala Legislative Assembly

Deputy President.—Order, order. The Hon'ble Law Member can go on.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—I cannot conclude my sentence.

Dr. A. R. Menon (*Pallippuram*).—Do you say that a man elected by 21 men is a dummy whereas a man appointed by an autocratic Government is not a dummy?

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—There is no meaning in saying that he will be the equal of the officer proposed under this Bill. That such an executive officer is necessary, has been admitted by the Hon'ble Member for Pallippuram himself a few months ago and it is because of this demand from the inhabitants of all the Municipalities in the State and from people who have had dealings with these Municipalities and the Government being thoroughly well aware of the importance of such a person that this proposal has been put forward. I request the Hon'ble Members who are not opposed to this idea to vote for a proposal which, I submit, is perfectly sound.

Amendment was put and negatived.

Mr. P. Kumaran Ezhuthassan (*Wadakkancheri*).—A poll, Sir.

POLL.

Ayes	Noes
Mr. T. S. Balarama Ayyar.	Mr. George Parakkal.
Dr. A. R. Menon.	,, A. V. Moothedan.
Mr. K. Ayyappan.	,, K. S. Manickam.
,, V. K. Krishnankutty.	,, P. C. Varckey.
,, K. M. Kunhi Moideen.	,, C. S. Viswanatha Ayyar.
,, K. Ashtamoorthi Nambudiripad.	,, A. Narayana Menon.
,, P. Govinda Menon.	,, M. V. Cherian.
,, K. M. Ibrahim.	,, P. J. Alexander.
,, K. S. Panickar.	,, K. Kunhirama Menon.
,, K. T. Mathew.	,, M. A. Sankunni.
,, T. A. Ramachandra Ayyar.	,, P. J. George.
,, P. Kumaran Ezhuthassan.	,, K. Achyuta Menon.
,, C. R. Iyyunni.	,, K. P. Kannan Nair.
,, E. Ikkanda Warriar.	Rao Sahib I. N. Menon.
	Dr. D. Raghavendra Rao.

LIBRARY ARCHIVES Kerala Legislative Assembly

Noes.

Mr. A. L. Devassy.
„ T. Narayana Menon.
„ K. Narayana Menon.
„ P. V. Subramania Ayyer.
Rama Varmha Tampuran.
Mr. Thomas Manjuran.
Dr. E. S. R. Menon.

Amendment was therefore lost.

Mr. A. Eachara Menon *(Chittur Rural).*—Sir, my amendment is to delete section 13. I have already said what I have to say on this amendment. It is this. While the Bill provides for all thinkable incidents it takes away the very vestiges of self-government. It is almost a verbatim copy of the Act of British India where the Municipal Administration has become a department of the Government like other departments. The outstanding effect of the institution of Municipalities is the opportunity it affords for the expeditious disposal of business. The Bill abounds in red-tapism. In the appointment of Commissioners the expression that 'Municipalities are self-governing institutions' has become pseudonymous. In one of the Municipalities of British India, if I remember aright, Bellary, when the Commissioner was requested to place a paper on the table he cooly replied in the bureaucratic fashion that that file was confidential. This if approved by Government would be making the Commissioner play the part of a C. I. D. Officer on the Council which, under the circumstances, no self-respecting person would care to serve. If the manager is given a little more power and the management is strictly disciplined by the authorities, it will fully serve the purpose the Government have under contemplation and will not divest the Council of its dignity and independence. On these considerations I am for entirely omitting the provision for the appointment of Commissioners. By this section the executive authority of the Municipal Council can carry into effect the resolutions of the Council provided that the executive thinks there is no objection under section 34. I take only one instance. But the Government Advocate may tell you that there are also other sections giving the executive officer such authority.

Sir, the Municipal Council composed of persons elected by the people of the Municipality and presided over by one

LIBRARY ARCHIVES Kerala Legislative Assembly

of them and a person of that locality has suggested a resolution and passed it in Council but that resolution is considered by the Commissioner to be of no value. How can the Commissioner, an outside man, be more interested in the well-being of the people than the Chairman and the Councillors. Who will be the executive authority at Ernakulam, is it a member from Trichur. How is he entitled to say that he is more interested in the well-being of Ernakulam than the Chairman and the Councillors. In spite of all these Government want us to think that the absence of a Commissioner will be detrimental to the Municipal administration. I too endorse all the arguments put forward by the Hon'ble Member for Oorakam and also the portion of the speech he read out of A. V. Patro.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—In view of the long debate we had on the previous amendment I have nothing more to say. I oppose the amendment.

* **Dr. A. R. Menon** (*Pallippuram*).—Our idea was to devise a measure by which both sides can come to a settlement. Since it is deliberately the intention of Government to grasp the power, especially the power of appointment of the Commissioner irrespective of the consideration of the consequences that would follow, we would rather think that no executive officer is to be appointed. He will be a person who will refuse to place a paper before the Chairman. But the Government have the audacity to say that the executive officer if a servant of the Municipality. We find here a case where he declines to place a paper before the Chairman. Who is the master; is it the executive officer or is it the Chairman and the Councillors? I find that the executive officer is the master. Further the Government want that the appointment of this officer should be in the hands of Government which may be to appoint their own man. The only object of this Bill I think is that their party man must be provided for and that power of their party man must not be taken away by anyone else. People who have been in the Municipality for years when they come to know the proper and correct interpretation and bring in reasonable amendments, Government oppose all such amendments. God alone knows by what means they can call such institutions self governing institutions. When I say these things you are simply laughing.

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

Do you think we do not know the implications of the sections in the Bill?

Deputy President.—Order, Order. The Hon'ble Member must understand that many non-official members voted against the previous amendment. Further he ought not to address any individual member.

Dr. A. R. Menon (*Pallippuram*).—I am not addressing any individual member, I am addressing the Government. I am just showing to the House how this voting took place. It is not only the number of those who voted against that measure. The number is nothing. You were saying that the Councillors were incompetent. Are you sure that all members are incompetent in an elected body?

Deputy President.—Order, order. The Hon'ble Member cannot go on making personal attacks both against official and non-official members of the House. The Hon'ble Member will please sit down. I cannot allow such personal attacks—why the non-officials should speak against them or against the Government.

Dr. A. R. Menon (*Pallippuram*).—With due respect to you, Sir, I did not say that. Without giving me time to explain and without hearing me out I think it is very unkind to pass such reflections on me. I have been a member of this House for 13 years and no President has said like that. I may lose my temper. But I know how to use my language properly. I make that assertion boldly, Sir.

Now I say when we approach this question, since the previous amendment was lost, the only other solution whether reasonable or unreasonable would be to prefer to lose the bigger and get the smaller or lesser.

Mr. A. V. Moothedan (*Chalakkudi*).—One word, Sir. The Hon'ble Member for Pallippuram said that every one who has gained some experience by Municipal work would say that an executive officer is unncessary. Here in the Select Committee we had men of great experience of Municipal administration like Mr. M. Sivarama Menon. He was the Chairman of the Municipal Council for many years. Yet he has not written a dissenting minute against this proposal of the appointment of an executive officer.

Mr. V. K. Krishnankutty (*Anthikad*).—But, Sir, I may inform you that the Member for Chalakkudi is a great up-holder

LIBRARY ARCHIVES Kerala Legislative Assembly

of self Government. Even during this session he moved a cut motion to that effect. But now he attacks this measure. So the mere fact that a dissenting minute was not written does not mean that a person is for such a check on the Municipal administration.

*Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— Mr. President, it is a most sorrowful spectacle that we have seen here to here. Here is a proposition in section 13 saying that an executive officer with the powers mentioned therein shall be appointed by the Government. What for? To execute the orders of the Municipality? To be paid by whom? From the Municipal funds. I have heard, Sir, of stories where I have heard it said and asserted that he who pays the bill has the right to order. What is it that you have got in section 13? Section 13 says that the dictator or say the Commissioner who is poised upon the Municipal Government is to be paid from the Municipal funds. He is controlled by Government and even his leave is to be granted by Government. Have you heard worse things than this? Even his casual leave or any other leave is to be granted by Government. Further he is thrust upon a self governing institution by Government. Can absurdity go further than that? What is the use of saying that many Hon'ble Members of this House were members of the Select Committee and they have not written dissenting minutes? It does not mean that. Under the environments under which they were they might have thought that it would not be the proper method to adopt and now they themselves have tabled these amendments.

Mr. A. Eachara Menon *(Chittur Rural).*—Has the Hon'ble the Law Member written any dissenting minute? Then why should he bring in so many amendments now?

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— What was the previous amendment of the Hon'ble Member for Trichur North? He requested that Section 13 be omitted and to substitute it by Section 13A. What is Section 13A? Can a better arrangement than the one proposed by the Hon'ble Member for Trichur North be made by substituting section 13 by what is given here and following it up by Section 13A? And 13A contains the best portion of section 13. His amendment is that instead of hoisting a dictator upon a self governing institution let the Municipality be given the power not to appoint

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LIBRARY ARCHIVES Kerala Legislative Assembly

but to recommend to the Government that X or Y be appointed. That was the suggestion of the Hon'ble Member for Trichur North. That was section 13 A which he wanted to be substituted for section 13. After that, that is, when a special officer is either appointed by the Municipality and the functions of the Municipality are not seen to be going on properly, then comes the right of the Government to put over his head a Commissioner. That is section 13A. Now I say by the mischief of a section of the House that amendment of the Hon'ble Member for Trichur North was lost and hence the necessity has arisen to omit section 13 as it stands. We wanted to see that a proper officer to execute the orders of the Council is had and hence the amendment of the Hon'ble Member for Trichur North. That was deliberately defeated by the attitude of some Hon'ble Members which I wish to characterise in proper language . . . .

Deputy President.—Order, order. I have already ruled that members should not speak anything about the voting on the previous amendment. Hence the Hon'ble Member's argument is not proper.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Then, Sir, how to characterise the attitude of the non-official representatives of this House on a measure like this? I am afraid I should not describe and therefore I do not do it.

Mr. K. S. Manickam *(Irinjalakuda).*—Burnt child dreads the fire.

Deputy President.—The Hon'ble Member must confine himself to the motion. He should not say how the Hon'ble Members voted on a particular motion.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—I think my arguments are relevant for this amendment, Sir, because, it was because the other amendment of the Hon'ble member for Trichur North was defeated that the necessity has now arisen to see that a less feasible measure at least is passed. 11 non-official members of this House voted against that amendment and it is that attitude, that conduct of elected members . . . . .

Mr. P. C. Varkey *(Ernakulam North).*—Is it relevent, Sir?

Mr. A. V. Moothedan *(Chalakkudi).*—Is it relevent, Sir?

LIBRARY ARCHIVES Kerala Legislative Assembly

Deputy President.—Order, order. The Hon'ble Member is not right in alluding to the way in which Hon'ble Members voted against the previous amendment.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—I bow to your ruling, Sir.

Deputy President.—An Hon'ble Member cannot attack the motives underlying the vote of another Hon'ble Member or Members.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—I never was on the motive of the Hon'ble Members. I was only referring to the relative facts why I have to vote in support of this motion. I am compelled or say we are compelled to accept this proposition which on its own showing may not be alright because of the antecedents yet we have to vote for this motion. I submit, Sir, that the defeat of the amendment brought forward by the Hon'ble Member for Trichur North which in its train takes away section 13 A necessitates, necessitates to a very great extent, against our wishes, against our will, to accept the proposition brought forward by the Hon'ble Member for Chittur. It is that physical pain in supporting a proposition which is not the one that we want, it is that feeling of pain that made me say like this. It has become a necessity for us to vote for this motion to omit section 13. If the House, is not pleased to have a proper working authority for executing the orders of the Municipality, we are constrained, Sir, to accept the proposition brought forward by the Hon'ble Member for Chittur and therefore I submit, Sir, as a matter of compelling necessity, I support this amendment and I may also say that that is the attitude of our party also.

Mr. V. K. Krishnankutty *(Anthikkad).*—Sir, I had no idea to speak on the present amendment. The Hon'ble Member for Chalakkudi invited my attention that I had not expressly given any dissenting minute to the Bill. I will speak also on something which is relevant. The whole scheme of the Bill is to have an executive officer with certain powers. The executive officer is intended to be an agent, executive political agent, of the Government and he is to be paid at the expense of the Municipality. For this position I will invite the attention of the House to subdivision (2) of section 34. That gives the executive authority a power to suspend, though temporarily, certain resolutions passed by the Municipal Council. The scheme of the Act gives the executive authority a power to sit in judgment over the

LIBRARY ARCHIVES Kerala Legislative Assembly

resolutions or other matters passed by the Municipal Council consisting of 28 members, taking the example of the Trichur Municipality. This commissioner who is supposed by Government to have more intelligence, more capacity and more experience than the combined opinion of 28 Members of the Trichur Municipality, is given the power to over ride and suspend the resolutions passed by the Council. In so far as that power is given to the executive officer who is a political and executive agent of the Government, the other purpose of appointing an executive officer is simply to expedite the administration, the daily routine matters, connected with the management of the Municipality. We have absolutely no objection for the appointment of an executive authority for the latter purpose, namely for carrying out the resolutions of the Council and to expedite matters of a daily routine nature. But we certainly object to the appointment of an executive officer who will be overriding the suggestions or resolutions of the Council and who will temporarily act as the Government do. At present Government have got the authority of supervision and control and even of over-riding the resolutions passed in any meeting of the Municipality. So here is power under section 33 given to the Government for the purpose of control. There is power given to suspend the wishes of the Council, power to supervise the Municipality, is there. Finally there is the power vested in the Government to supercede the Council altogether when it is not competent to perform its duties or persistently makes default in performing the duties imposed upon it or abuses its powers. In such circumstances the Government may by notification supercede the Council. A new Council may be easily constituted. Even apart from these there are wide powers vested in the Government to remove the Chairman and Councillors.

Now, not satisfied with these powers Government have come forward to say we want a political agent posted at your very doors who will execute our orders. Now, Sir, it is that sort of Executive Officer or Commissioner that we object to. The proposal made by the Hon'ble Member for Trichur had been very moderate and was a compromising one and no better proposal can be thought of at present. Even that proposal has been mercilessly rejected by this House. So we are constrained to support the present amendment.

* **Mr. P. Govinda Menon** (*Adur*).—Mr. President, Sir, it has to be regretted that in the heat of the debate not only about

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

this motion but also about the previous motion the underlying principle of mine and of my party has been misunderstood and it is this. Any Municipality is according to me a republic in itself—a miniature State. It is a small State or a small area within which the citizens are given powers of self Government—powers of sovereign self Government in the spheres which have been transferred to them. That being so, i. e., the city Council and its elected president constituting as it does a sort of Government for the city or for the Municipality, well known rules of constitutional practice, well known rules of self Government, well known rules of working of democratic institutions not only in Municipalities but in also in wider spheres, require that for carrying on the day to day administration of the State some permanent executive authority is required. It is for that reason that in democratic institutions or democratic constitutions the Civil Service is extolled. It is for that reason that constitutional theorists say that civil service is the backbone of any democratic institution. It is for that reason that the Hon'ble Member for Trichur North and many other members following him conceded that some executive officer is necessary. The Municipal councillors, the Municipal President and the other elected honorary officers who are not able to devote their whole time for the work of the Municipality and who are changed at every short period of time, will not be able to enter into the details of Municipal government. Therefore a permanent Executive Officer and subordinates under him corresponding to the civil service of a bigger Government is necessary. When therefore the Hon'ble Member for Trichur North said that some executive authority is required that concession was made in the interests of the underlying principles of Municipal Government which is the theory of self Government. Therefore when that motion was negatived and when another motion which is by its implication and which will by its working negative the underlying theory of self Government we are constrained to oppose it. In the interests of that very principle upon which we said that some executive authority is necessary, in the interests of the principle of local self-Government, we are constrained to oppose the appointment of an executive officer as contemplated by this section. Now what is the principle, what is the implication, of this section, Sir? The Hon'ble Member for Oorakam in his dissenting minute says that if executive commissioners as contemplated by the section are appointed it will be introducing diarchy in Municipal Government. I think that is not the proper word. It is not introducing diarchy in Municipal Government; it is introducing anarchy in Municipal Government.

LIBRARY ARCHIVES Kerala Legislative Assembly

In diarchy there are two definite spheres of governmental activity in one of which the respective ministers or the executive council have a supreme authority. Here it will be anarchy or to speak simply it will be despotism only of the Executive Commissioner. The Municipal Council will be a dummy of the Executive Officer who has been appointed by the Government. In other words in the sphere of local self Government, in the sphere of this miniature republic for which we are striving, the executive, the autocratic executive of the Central Government, will be extending its hand by introducing an agent into its working. That is what we object to. In other words if an Executive Commissioner as adumbrated by this section is appointed, the day to day local self government of these Municipalities will be hampered and retarded by executive despotism in every point. It was pointed out in argument that in British India, in the Madras Presidency, Executive Officers have been appointed and the Hon'ble Member for Law was pleased to point out that even Congress Members were elected as Chairmen or Presidents of these Municipalities and they were working with the commissioners by their side. Now, without decrying anybody, without speaking ill of anybody, let me point out the history of the appointment of Municipal Commissioners in the Madras Presidency. When a party, apparently a democratic party but really a party which has in its view the self aggrandisement of its own Members and that alone, came into power in the Madras Presidency, in order to oppose the tide of popular movement and in order to use all popular power, they wanted that their henchmen, that their servants should be their agents, or their subjects in every Municipality in order to hamper progress of self government. That same party on every occasion that Congress men came into power in District Boards bifurcated the District Boards to see that Congress men were not in power. In the Malabar District Board for instance when the Congress men were returned in a large majority they had the idea of bifurcating the District Board in order to see that the Congress men are not in power. So also in order to see that Municipalities do not work as rural popular institutions, as the rural representatives of the people, Executive Commissioners were appointed by the Madras Government. I am sure the Congress Ministry having now come into power in the Madras Presidency will, sooner or later, remove this objectionable practice of appointing agents of the Executive Government in the spheres of local self Government. I have no doubt about that.

LIBRARY ARCHIVES Kerala Legislative Assembly

Now, Sir, if the fundamental idea which has actuated us in suggesting that there should be some executive officer is to have an officer who will be all powerful, we would not have opposed the amendment. But our idea was different. The executive officer should be under the control of the Council. Since it is otherwise we have no other course but to oppose. But our opposition was of no avail. So now we have to choose the lesser of the evils. After all, the existence of a civil service or the existence of an executive officer for the proper working of democratic institutions is because the volume of work which the popular Government has to do is very enormous, and therefore for the proper working of these institutions some permanent executive authority is required. It is not impossible in theory at least, in ideals at least, to conceive of a democratic working of these institutions without such an executive. We can conceive of for example a democratic institution working without such a permanent executive authority. Now the idea of such an executive authority is that of local self Government and should be worked out in its true sense. This executive authority must really be appointed by the representatives of the people. Now, Sir, what is the implication of the previous adverse vote of this House upon the motion of the Hon'ble Member for Trichur North? I would like to point out that to this House. If there is one sincere idea for which this House has been working, has been agitating, has been voting, for the last 12 years it is the idea of responsible Government for the State. We have moved resolutions after resolutions, we have been passing cuts after cuts, we have been making it felt in all possible ways that the State of Cochin is ripe for self Government, is ready for responsible Government and that the people of Cochin have reached such an advanced stage of education and culture that the reins of office may properly be handed over to the representatives of the people. Even many of my Hon'ble friends in that party have moved such motions. My Hon'ble friend the Member for Chalakkudi even in this session passed a cut motion in this Council whereby he wanted the whole sphere of Government activity, not of this Municipality, not of that Panchayat, but the whole sphere of Governmental activity should be handed over to the elected representatives of the people. If that is so, if it has been the ideal of this House for the last 12 or 13 years that responsible Government should be given to the people of Cochin, then I ask, does it lie in the mouth of the members of this House now to say that what is good for the whole of Cochin including towns and villages will not be good for the urban

LIBRARY ARCHIVES Kerala Legislative Assembly

people occupying towns like Trichur, Ernakulam and Mattancheri? I say we are contradicting ourselves. Will it not be in the mouth of the executive authority, will it not be in the mouth of the Government, to come forward and say when we make one more representation for responsible Government, "Why in the limited sphere of a town when the question arose whether the Government of that town should be completely in the hands of elected representatives, did not this very House say that the elected representatives cannot carry on the administration of these towns properly and that therefore the service of an executive authority was necessary?" If in a town like Trichur or Ernakulam the day to day administration cannot be carried on by the peoples, representatives, by the elected representatives of the people, cannot carry on that administration without the service of a Government officer carrying a pay of Rs. 300 or 250 as deemed necessary by this House, does it not follow that in the larger sphere of Central Government where far more onerous duties have to be discharged, you are not ready for responsible Government? I therefore say that this adverse vote of this House is far reaching in its implications. It adversely affects not only the position of this point but the long cherished desire of this House which has been made known to the Government from year to year by one Hon'ble Member or other of this House. Therefore my submission is that in the interests of the principle of democracy, in the interests of local self government, in the interests of the principle of responsible Government, it is not possible for us to have an executive office which will not militate against the idea of self government. It should at least be possible for us that by the appointment of the executive Officer that idea should not be cast aside.

* മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി (*Trichur South*).— സർ, ഈ ഉപക്ഷേപത്തെ ഞാൻ ഹാർദ്ദമായി അനുകൂലിക്കുന്നു. ഈ ഭേദഗതിയിൽ പറയുന്നത് ഈ റഗുലേഷനിലുള്ള ക്ലം-ാം വകുപ്പു തീരെ മാറിക്കളയണമെന്നാണ്. എക്സിക്യൂട്ടിവ് ആഫീസർ അല്ലെങ്കിൽ കമ്മീഷണർ എന്ന ഒരു സ്ഥാനം ഗവൺമെൻറിൽനിന്നു നിശ്ചയിച്ചു കഴിഞ്ഞാൽ സ്വയംഭരണ സ്ഥാപനമായ മുനിസിപ്പാലിറ്റി യാതൊരു ശക്തിയുമില്ലാത്ത ഒരു സ്ഥാപനമായിട്ടു തീരുമെന്നുള്ളതിനു യാതൊരു സംശയവുമില്ല. കമ്മീഷണർക്കു രണ്ടു വിധത്തിലുള്ള അധികാരങ്ങളാണ് ഇതിലെ പലേ വകുപ്പുകൾകൊണ്ടും കൊടുത്തുകാണുന്നത്. ഒന്നാമതു മുനിസിപ്പാലിറ്റിയിൽനിന്നു തീരുമാനിക്കുന്ന പ്രമേയങ്ങൾ നടപ്പിൽ വരുത്തു

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

ന്നതിനും അതുകൾ എന്തെങ്കിലും സംഗതിവശാൽ ആ പട്ടണത്തിനു ദോഷകരമാണെന്നു ആ ഉദ്യോഗസ്ഥനു തോന്നുന്നപക്ഷം അതിനെ നിറുത്തിവെയ്ക്കുന്നതിനും മറേറതു് ആഉദ്യോഗസ്ഥന്റെ ഇഷ്ടമനുസരിച്ചുള്ള പ്രവൃത്തികൾ ആ മുനിസിപ്പാലിറ്റിയിൽ ചെയ്യുന്നതിനും അധികാരമുണ്ടെന്നാണു കാണുന്നതു്. ഫ്വ-ാം വകുപ്പിൽ "The Executive authority may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of the Council and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the Public" എന്നു പറയുന്നു. ഈ Service or safety of the public' ഈ പ്രവൃത്തി ഒരു Exutive officer ചെയ്യുന്നപക്ഷം ഇതിലുൾപ്പെട്ടുത്തുവാൻ നിവൃത്തിയില്ല. Servant of Public എന്നു പറഞ്ഞാൽ കൌൺസിൽ തീരുമാനിച്ചിട്ടുള്ള സംഗതികളല്ലാതെ ചെയ്യാൻപാടില്ല എന്നാണു സാധാരണ നിയമം. ഇതിനു ഇവിടെ ഒരു പ്രത്യേക വകുപ്പും കാണുന്നുണ്ടു്. എന്നാൽ Emergency Powers കൊണ്ടു എന്തെങ്കിലും ചെയ്യുകയാണെങ്കിൽ ആ സംഗതി ഗവമ്മെൻറിനോടു പറയുവാൻ കൌൺസിലിനധികാരമില്ല. ഇങ്ങിനെയാണെങ്കിൽ മുനിസിപ്പാലിറ്റികൊണ്ടു ആവശ്യമില്ലെന്നുതന്നെ പറയാം. ഈ വകുപ്പനുസരിച്ചു ആ ഉദ്യോഗസ്ഥനു ഏതുവിധത്തിലും പ്രവൃത്തിക്കുന്നതിനു തടസ്ഥമില്ല. മുനിസിപ്പാലിറ്റിയുടെ തീരുമാനങ്ങളെന്തായാലും അതിനെ നിറുത്തി വെയ്ക്കുവാനും വിരോധമില്ല; വെറുതെ നീട്ടിക്കൊണ്ടുപോകാനും കഴിയും. ഈ നിലയിലായാൽ മുനിസിപ്പാലിറ്റി സ്വയംഭരണ സ്ഥാപനമാണെന്നു പറയുന്നതുകൊണ്ടു പുണ്യമെന്താണെന്നു എനിക്കു മനസ്സിലാകുന്നില്ല. ആ ഉദ്യോഗസ്ഥനെ നിയമിക്കുന്നതു ഗവമ്മെൻറാണു്. എന്നാൽ ആ ഉദ്യോഗസ്ഥന്റെ ശമ്പളം മുനിസിപ്പാലിറ്റി വഹിക്കണം. ഗവമ്മെൻറിൽനിന്നു നിശ്ചയിക്കുന്ന ആൾ തീച്ചയായും ഗവമ്മെൻറിനനുകൂലമാകാതിരിക്കുകയില്ല. എന്നതന്നെയല്ല, അയാൾ ഗവമ്മെൻറിനെ അനുകൂലിച്ചില്ലെങ്കിൽ അയാളെ കളയാനും ഗവമ്മെൻറിനു വിഷമമില്ല. അയാളെ കളയാതിരിക്കുവാൻ ഒരു വകുപ്പുമില്ല. യാതൊരു കാരണവും കൂടാതെ ആ ഉദ്യോഗസ്ഥനെ നീക്കണമെന്നു ഗവമ്മെൻറിനു തോന്നിയാൽ അന്നുതന്നെ കളയാം. നേരെമറിച്ചു മുനിസിപ്പാലിറ്റിക്കു അങ്ങിനെ ചെയ്യണമെന്നുണ്ടെങ്കിൽ ഫ്വം-ൽ നൂറു വോട്ടുവേണം. ആ വോട്ടിൽതന്നെ ഫ്വം-ൽ അധികം വോട്ടുകൾ ഗവമ്മെൻറിന്റെ കയ്യിൽതന്നെയാണു്. അതുകൊണ്ടു ഗവമ്മെണ്ടിനു ഇഷ്ടാനുസരണം ആ ഉദ്യോഗസ്ഥനെ നീക്കം ചെയ്യാം. ആ ഉദ്യോഗസ്ഥൻ മുനിസിപ്പാലിറ്റിയോടനുകൂലമായി നിന്നു ഗവമ്മെണ്ടിന്റെ ഹിതത്തിനെതിരായി പ്രവൃത്തിച്ചാൽ അയാളുടെ സ്ഥാനം പോകും. അപ്പോൾ അങ്ങിനെയുള്ള ഉദ്യോഗസ്ഥൻ തീർച്ചയായും മുനിസിപ്പാലിറ്റിയുടെ ഹിതാനുസരണം പ്രവൃത്തിക്കുവാൻ നിവൃത്തിയില്ല. അങ്ങിനെയുള്ള ഒരു വ്യക്തിയെയാണു സ്വയംഭരണ സ്ഥാപനമായ മുനിസിപ്പാലിറ്റിയിൽ നിയമിക്കുവാൻ പോകുന്നതെങ്കിൽ അ

LIBRARY ARCHIVES Kerala Legislative Assembly

തു വളരെ കഷ്ടമാണ്. അ തരത്തിൽ മുനിസിപ്പാലിറ്റിയെന്ന പേരും പറഞ്ഞു ഒരു സ്ഥാപനം നടത്തേണ്ട കാര്യമില്ല. അതു വെറും പൂച്ചു കാണിക്കലാണ്. കൊച്ചി രാജ്യം മുഴുവൻ സ്വയംഭരണ സ്ഥാപനങ്ങളുള്ളതെന്ന് പുറമെയുള്ളവരെ കബളിപ്പിക്കുകയായിരിക്കും അതു്. വാസ്തത്തിൽ സ്വയംഭരണത്തിന്റെ ഒരു ലേശംപോലും ഈ സ്ഥാപനത്തിലില്ല. ഒരു കൈകൊണ്ടു കൊടുത്തു, മറെറ കൈകൊണ്ടു പിടിച്ചു പറിക്കുക ഇതാണ് ഇപ്പോൾ കാണുന്നതു്. ഈ ബിൽ കൊണ്ടുവന്ന മഹാനുഭാവനുണ്ടായിരുന്നതായ ഉദ്ദേശം ഏതോ അതു് ഇതുകൊണ്ടു നഷ്ടമായി. ഗവമ്മെൻറു സ്വയംഭരണസ്ഥാപനങ്ങളിൽ കൈവെയ്ക്കുവാൻ തുടങ്ങീട്ടു അധികം കാലമായിട്ടില്ല. ഈ റഫ്രഷൻ വന്നാൽ പട്ടണങ്ങൾതമ്മിൽ സൌഹാർദ്ദമുണ്ടാകുമെന്നു എനിക്കു തോന്നുന്നില്ല. സ്വയംഭരണ സ്ഥാപനം ഒരു നല്ല നിലയിലെത്തണമെന്നു് ആഗ്രഹമുണ്ടായിരുന്നെങ്കിൽ, ഇതിനുമുമ്പു തുശ്ശൂർ വടക്കെ നിയോജകമണ്ഡലം മെംബർ പറഞ്ഞതുപോലെ 2/3 Elected members ആകാമെന്നു ഗവമ്മെൻറു സമ്മതിച്ചിരുന്നെങ്കിൽ ഒരു തത്വമനുസരിച്ചെങ്കിലും പ്രവൃത്തിച്ചുവെന്നു് പറയാമായിരുന്നു. ഗവമ്മെൻറു സ്വയംഭരണം തരാൻ തയ്യാറാണെന്നു പറഞ്ഞു അതിന്റെ നിഴൽ കാണിക്കുന്നതല്ലാതെ അതിന്റെ സത്തായ ഭാഗം തരുന്നില്ലെന്നു് നമുക്കു അതുകൊണ്ടു മനസ്സിലാക്കാം. പത്തു പന്ത്രണ്ടു കൊല്ലമായി ഈ നിയമനിർമ്മാണസഭ തുടങ്ങീട്ടു്. അന്നു മുതൽ സ്വയംഭരണം വേണമെന്നുള്ള വാദവും തുടങ്ങി. അതിനിപ്പോൾ ആകെക്കൂടി രണ്ടോ മൂന്നോ അഡൈവസറി കമ്മിറ്റികളാണു തന്നിട്ടുള്ളതു്. എന്നാൽ അതിനു വല്ലതും ചെയ്യാനുള്ള ശക്തിയുണ്ടോ? എന്നിക്കതിനെക്കുറിച്ചു പറയുവാനുള്ളതു സ്വയംഭരണം ജനങ്ങൾക്കു നൽകുന്നുവെന്ന വ്യാജേന കാര്യം നടത്തുന്നതല്ലാതെ ജനങ്ങളുടെയിടയിൽ അതിനെ പ്രതീക്ഷിക്കാൻപോലും വഴി കാണുന്നില്ല എന്നാണു്. അതുകൊണ്ടു ഈ വകുപ്പു എടുത്തുകളയണമെന്നാണു ഞാൻ പറയുന്നതു്.

Mr. A. Narayana Menon (*Vyttila*).—Sir, I move for a closure of the discussion.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—I second it.

Closure motion was put and agreed to.

Dr. A. R. Menon (*Pallippuram*).—A Poll, Sir.

Deputy President.—This is only a closure. A poll is not absolutely necessary.

Dr. A. R. Menon (*Pallippuram*).—Sir, the public must know that in an important matter like this we were not only opposed in introducing a useful amendment but we were not also allowed to discuss a less useful amendment.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. A. Narayana Menon *(Vyttila)*.—We welcome the poll.

POLL.

Ayes	Noes
Mr. George Parakal.	Mr. T. S. Balarama Ayyar.
,, P. C. Varkey.	Dr. A. R. Menon.
,, A. V. Moothedan.	Mr. C. S. Viswanatha Ayyar.
,, K. S. Manickam.	,, A. Eachara Menon.
,, A. Narayana Menon.	,, V. K. Krishnankutty.
,, M. V. Cherian	,, K. Ashtamoorthi Nambudiripad.
,, P. J. Alexander.	,, P. Govinda Menon.
,, M. A. Sankunni	,, K. M. Ibrahim.
,, K. Kunhirama Menon.	,, K. M. Kunhimoideen.
,, P. J. George	,, K. S. Panickar.
,, K. Achyuta Menon.	,, T. A. Ramachandra Ayyar.
,, K. P. Kannan Nayar.	,, P. Kumaran Ezhuthassan.
,, I. N. Menon.	,, C. R. Iyyunni.
,, Thomas Manjuran	,, E. Ikkanda Warriar.
Dr. D. Raghavendra Rao.	
Mr. T. Narayana Menon.	
Dr. E. S. R. Menon.	
Mr. A. L. Devassy.	
,, P. V. Subramania Ayyar..	
Rama Varmha Tampuran.	
Mr. K. Narayana Menon.	

Closure motion was therefore carried.

Dr. A. R. Menon *(Pallippuram)*.—I move for an adjournment of the business for the day.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—I oppose it, Sir.

Deputy President.—I am not going to adjourn the House until this motion is put to vote. After that I shall consider the request.

The amendment to delete section 13

was put and negatived.

Dr. A. R. Menon *(Pallippuram)*—A poll, Sir.

LIBRARY ARCHIVES Kerala Legislative Assembly

POLL.

Ayes.	Noes.
Mr. T. S. Balarama Ayyar	Mr. George Parakkal.
Dr. A. R. Menon	,, P. C. Varkey.
Mr. C. S. Viswanatha Ayyar	,, A V. Moothedan.
,, A. Eachara Menon.	,, K. S. Manickam.
,, V. K. Krishnankutty.	,, A. Narayana Menon.
,, K. Ashtamoorthi Nambudiripad	,, M. V. Cheriyan.
,, P. Govinda Menon	,, P. J. Alexander.
,, K. M. Ibrahim	,, M. A. Sankunny.
,, K. M. Kunhi Moideen.	,, K. Kunhirama Menon.
,, K. S. Panickar	,, R. Viswanathan Chettiar.
,, T. A. Ramachandra Ayyar	,, P. J. George.
,, P. Kumaran Ezhuthassan	,, K. Achyuta Menon.
,, C. R. Iyyunni	,, K. P. Kannan Nayar.
,, E. Ikkanda Warriar	Rao Sahib I. N. Menon.
	Mr. Thomas Manjuran.
	Dr. D. Raghavendra Rao.
	Mr. T. Narayana Menon.
	Dr. E. S. R. Menon.
	Mr. A. L. Devassy.
	Mr. P. V. Subramania Ayyar.
	Rama Varmha Tampuran.
	Mr. K. Narayana Menon.

Amendment was therefore lost.

Dr. A. R. Menon (*Pallippuram*).—Sir, I moved the adjournment of the House not as an obstructionist policy but as the Hon'ble Members of the other party told me that they wanted time to reconsider their position.

Deputy President.—If the Hon'ble Member had only explained it before the motion was put to vote, I would have gladly put the motion for adjournment before the House. The mistake is that the Hon'ble Member did not explain it.

Mr. A. Eachara Menon (*Chittur Rural*).—Sir, my amendment is "In section 13 (1) after 'Municipality' add the words 'whose income is above fifty thousand rupees'. The clause as amended will read thus:—Government may, if they think it necessary, appoint by notification a Commissioner for any Municipality whose income is above fifty thousand rupees".

LIBRARY ARCHIVES Kerala Legislative Assembly

Now, Sir, what all arguments may be put forward, the Government is sure to oppose the amendment. Even then I must state my case. Take for instance the Chittur Municipality, whose income is below Rs. 50,000. Its income may be about 45 or 46 thousand rupees out of which about Rs. 20,000 go for their employees, Rs. 4,000 for lighting, Rs. 7,000 for road maintenance; and deducting a small sum for epidemics, maintenance of drains, etc., there will be left only four or five thousand rupees for original and other works of utility to the public. If, however, Government wanted to deprive us of about Rs. 25,000, what would be left for us. I say that the pay of the Commissioner should be only Rs. 100—150. The sum then left for the Municipality to do what is good for the public will be only Rs. 2500. It is only out of that consideration that I have brought forward this amendment. I don't think Government will insist in opposing this innocnous amendment.

Mr. A. V. Moothedan *(Chalakkudi)*.—Sir, I support this amendment, because in the case of small municipalities it will be a great strain if they are asked to appoint Commissioners. The Chairman may himself carry on and it is unnecessary to force a Commissioner on small municipalities.

Dr. A. R. Menon (*Pallippuram*).—Sir, I move this amendment that the 'fifty thousand rupees' be changed into 'seventy-five thousand rupees'. I think it is very difficult for any municipality to bear this burden, because the Government only wanted to get the power of appointment and somebody must pay for that. I can understand if Government also takes the money out of Government funds. We do not want any small municipality to be burdened with that superfluity of an officer and I think the lowest limit is Rs. 75000. I move an amendment to that amendment changing 'fifty' into 'seventy-five'.

Mr. V. K. Krishnankutty *(Anthikad)*.—I support the amendment.

* **Mr. Thomas Manjuran** *(Government Advocate and Law Officer)*.—With regard to the amendment moved by the Hon'ble Member for Chittur, Government have no intention to oppose the amendment and would leave that amendment to the decision of the House. With regard to the amendment of Rs. 75,000, Government regret that they cannot adopt that attitude. While the former amendment is reasonable, the latter is very

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

far. And as Hon'ble Members know, this is a suggestion sprung upon the Government. I am not blaming anybody. With regard to the first amendment, as at present advised, Government are not in a position to concede but they will remain neutral and watch the decision of the question of amendment by the House.

Dr. A. R. Menon *(Pallippuram)*.—They say it is sprung upon them. If they want time because they will have to consult on this question, we would be prepared to have it taken up day after tomorrow. If it is for want of time to consider this question, you say 'sprung up' and nobody seems to represent Government there.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—Government cannot say off-hand anything with regard to the attitude that they will take up with regard to the 2nd amendment. That is why I say we will postpone consideration of this amendment. The Hon'ble Member heard the Hon'ble Diwan President saying that considering the vastness of the amendments the adoption of such a procedure will not be proper.

Dr. A. R. Menon *(Pallippuram)*.—That involves an electoral principle which requires consideration and therefore it will not be justified whether it is 50 or 75.

Mr. T. S. Balarama Ayyar *(Trichur North)*.—It is not going to reduce the number of municipalities if it is 50 or 75.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—What is the object?

Mr. T. S. Balarama Ayyar *(Trichur North)*.—The revenues will gradually increase, for example in Chittur.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—It is obvious that the Government's position is based not upon the practically existing situation, because of the 5 municipalities 2 will come under the 50,000 rule. Now the other three under 75,000.

Dr. A. R. Menon *(Pallippuram)*.—It is not on that. We are raising this point on this one issue, that the Municipality will not be in a position to bear this burden until it is raised to Rs. 75000. The whole amount is to be distributed among the officers. I press my amendment.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. K. P. Kannan Nayar *(Secretary to Government).*— The maximum salary provided is Rs. 300. The minimum may be anything.

Mr. V. K. Krishnankutty *(Anthikad).*—I can understand the anxiety for the appointment of Municipal Commissioners in the various Municipalities. But we should also bear in mind that Municipalities do not simply exist merely for the purpose of giving employment to certain Municipal Commissioners (hear, hear). The pay of the executive authority should be in proportion to the income of the Municipality, or in other words, when we consider which of the Municipalities should bear the burden of the executive officer, we must pay heed to the amount of income which the municipality gets from year to year. Sir, this matter that is the amount of the income of the municipalities to which the Commissioners are to be appointed was discussed in the Madras Assembly when the matter was taken up for consideration. There, the Government also thought it fit to describe the municipalities, to fix certain criterion to find out which municipalities should consent to the appointment of a municipal commissioner. In the first instance, in the Schedule to the District Municipalities Amendment Act of 1933, only ten municipalities were mentioned. I shall mention two of them — municipalities of Coimbatore and Tuticorin. Municipalities containing a population of more than 50000 were alone taken in the first instance to bear the burden of the executive officer. A municipality with a current income of Rs. 75000 cannot afford to pay an executive officer whose maximum pay can be Rs. 300 according to the Select Committee Report. That comes up to Rs. 3600 per annum, which I humbly beg to submit is a very large amount to be given to the executive officer alone. Besides, the municipality has to meet other expenses such as establishment which also amounts to some where about Rs. 20000. I do not know from what source the municipality will find funds for meeting even the ordinary amenities of the citizens. In view of these conditions and factors, I support the amendment moved by the Hon'ble Member for Pallippuram.

* മിസ്റ്റർ പി. ഗോവിന്ദമേനോൻ *(Adur).*— സർ, ബഹുമാനപ്പെട്ട പള്ളിപ്പുറം മെംബർ അവർകളുടെ ഭേദഗതിയെ ഞാൻ പിന്താങ്ങുന്നു. പിൻതാങ്ങുന്നതിനു ഒന്നിലധികം കാരണങ്ങളുണ്ട്. ഒരു അന്യ ഗവർമ്മെൻറു സർവ്വൻറിനു മുൻസിപ്പാലിററിയിൽനിന്നു ശമ്പളം കൊടുക്കണമെന്നു പറയുന്നതുതന്നെ തെററാണ്. മുനിസിപ്പൽ കമ്മിഷണരെന്നു

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

പറയുന്നതു ഗവമ്മെൻറിൽനിന്നു നിയമിക്കുന്ന ആളാകയാൽ ആ ആൾ ഒരു ഗവമ്മെൻറു സർവൻറാണ്. ഏതാനും കൊല്ലം മുമ്പുവരെ ഇൻഡ്യാ സിക്രട്ടറിയുടെ ശമ്പളം ഇൻഡ്യാ ഗവമ്മെൻറിൽനിന്നാണ് കൊടുത്തുവന്നതു്. എന്നാൽ ഇൻഡ്യാ ഗവമ്മെൻറു പാർലിമെൻറിലെ ഒരു ക്യാബിനറ്റു മെംബറും ബ്രിട്ടീഷ് പാർലിമെൻറിലെ ഒരു മന്ത്രിയും ആയിരിക്കുന്ന സ്ഥിതിക്കു് ഇൻഡ്യയിലെ ഖജനാവിൽനിന്നു് ഇൻഡ്യാ സിക്രട്ടറിക്കു ശമ്പളം കൊടുക്കുന്നതു് ഭീമമായ ഒരപരാധമാണെന്നു മനസ്സിലാക്കിയതിനുശേഷമാണ് ഇൻഡ്യാ സിക്രട്ടറിക്കു ശമ്പളം ബ്രിട്ടീഷ് ഗവമ്മെൻറിൽനിന്നു കൊടുക്കണമെന്ന ഭേദഗതി അവിടെ വന്നതു്. ആ തത്വമനുസരിച്ചു നോക്കിയാൽ ഗവമ്മെൻറിൽനിന്നു നിയമിക്കുന്ന ഒരു മുനിസിപ്പൽ കമ്മിഷണർക്കു ഗവമ്മെൻറുതന്നെയാണു ശമ്പളം കൊടുക്കേണ്ടതു്, തീർച്ചയായും മുനിസിപ്പാലിറ്റിയല്ല. അങ്ങിനെ കൊടുക്കുന്ന ഒരു ശമ്പളം ഒരു മുനിസിപ്പാലിറ്റിയ്ക്കു കൊല്ലംതോറും ഉള്ള വരുമാനത്തിൻെറ ൦൦ ൦/൦ വരുമെന്നു വരുന്നതും. ഭയങ്കരമായ ഒരപരാധമാണ്. ൩൦൦ രൂപാ എന്നു പറയുന്നതു മാക്സിമമായി കൊടുക്കുന്നപക്ഷം ഒരു കൊല്ലത്തിൽ ൩൫൦൦ രൂപാ വരും. ഒരു കൊല്ലത്തിൽ ൫൦൦൦-ൽ ചിലപ്പോൾ രൂപാ വരുമാനമുള്ള ഒരു മുനിസിപ്പാലിറ്റി, ആ മുനിസിപ്പാലിറ്റിയിൽനിന്നു നിയമിക്കാത്ത ഒരു അന്യശക്തിയുടെ സേവകനു വരുമാനത്തിൻെറ ൦൦ ൦/൦ ശമ്പളം കൊടുക്കണമെന്നു വരുന്നതു ആ മുനിസിപ്പാലിറ്റിയോടു ഗവമ്മെൻറു ചെയ്യുന്ന അക്ഷന്തവ്യമായ ഒരപരാധമായിരിക്കും.

ഈ സംഗതിയ്ക്കു് ഇരിങ്ങാലക്കുടെ മുനിസിപ്പാലിറ്റിയെ കുറിച്ചു പ്രത്യേകിച്ചും എനിക്കു പറയുവാൻ സാധിക്കും. ഇരിങ്ങാലക്കുട മുനിസിപ്പാലിറ്റിയുടെ ചരിത്രം, ആശയം എന്നിവ അതിൻെറ ഉൽഭവം മുതൽ ഇന്നുവരെ ഒന്നിനൊന്നു അബദ്ധമായാണു കണ്ടുവരുന്നതു്. ഒന്നാമതു്, അവിടത്തെ ജനങ്ങളിൽ ആർക്കുംതന്നെ അവിടെ ഒരു മുനിസിപ്പാലിറ്റി വേണമെന്നാഗ്രഹമുണ്ടായിരുന്നില്ല. വേറെ ചില ഉദ്ദേശങ്ങളും വെച്ചാണു ചിലർ വേണമെന്നു പറഞ്ഞതു്. ഈ ആളുകൾക്കു മുനിസിപ്പാലിറ്റി പ്രസിഡണ്ടാകാമെന്നാശയുണ്ടായിരുന്നു. എന്നാൽ താസീൽദാരെ അവിടത്തെ മുനിസിപ്പൽ പ്രസിഡൻറായി നിയമിച്ചതോടുകൂടി അവരുടെ ആഗ്രഹവും പോയി. ഇനി കമ്മീഷണരെക്കൂടി നിയമിച്ചാൽ ഇരിങ്ങാലക്കുടയിലെ സകല ജനങ്ങളും ഗവമ്മെൻറിനെ ശപിക്കപ്പെടുകതന്നെ ചെയ്യും. രണ്ടാമതു മുനിസിപ്പാലിറ്റി വേണമെന്നു ഇരിങ്ങാലക്കുടയിലെ ജനങ്ങൾ ആദ്യമായി ഏതൊരു മംഗളപത്രത്തിലാണൊ ഗവമ്മെണ്ടിൻറിനെ ധരിപ്പിച്ചതു് അതേ മംഗളപത്രത്തിൽതന്നെ പറഞ്ഞിട്ടുള്ള മറ്റാവശ്യങ്ങളും നിറവേറ്റി കിട്ടുമെന്നുള്ള ഉത്തമവിശ്വാസത്തോടുകൂടിയാണു അവർ അങ്ങിനെ മംഗളപത്രം സമർപ്പിച്ചതു്. എന്നാൽ ഗവമ്മെൻറു അതിൽനിന്നു മുനിസിപ്പാലിറ്റിയുടെ കാര്യം മാത്രം സ്വീകരിച്ചു മറ്റു സംഗതികളൊക്കെ നിരസിക്കയും

LIBRARY ARCHIVES Kerala Legislative Assembly

ചെയ്തു. അതൊരു പുലിവാൽ പിടിച്ചപോലെയായി. അടുത്ത അവസരത്തിൽ സർ ഷൺമുഖം ചെട്ടി ഇരിങ്ങാലക്കുട മുനിസിപ്പാലിററി ഉൽഘാടനം ചെയ്ത അവസരത്തിൽ ഒരു പ്രസംഗം ചെയ്യാനുള്ള ഭാഗ്യം ഒരു മുനിസിപ്പാലിററി മെമ്പറല്ലെങ്കിലും എനിക്കുണ്ടായി. ആ അവസരത്തിൽ മുനിസിപ്പൽ നികുതി ഏർപ്പെടുത്തുന്നതിനുള്ള ഉത്തരവിൽ യാതൊരു അടിസ്ഥാനവുമില്ല; അവിടെ മുനിസിപ്പാലിററി ആവശ്യമായിരിക്കാം. പക്ഷെ, മുനിസിപ്പാലിററിക്കു നികുതി കൊടുക്കാനുള്ള ത്രാണിയുണ്ടാകുന്നതിനു വേണ്ട സൌകര്യങ്ങൾ കൂടി നിങ്ങൾ ചെയ്തുതരാത്തപക്ഷം നിങ്ങൾചെയ്തതു ഒരു വലിയ അനീതിയായിരിക്കുമെന്നു സർ ഷൺമുഖത്തിന്റെ മുമ്പിൽ വെച്ചു പറയുവാൻ എനിക്ക് അവസരമുണ്ടായി. ഞാൻ പ്രധാനമായി അന്നു അതു സൂചിപ്പിച്ചതു ഇരിങ്ങാലക്കുടയുടെ വ്യാപാരസംബന്ധമായും വ്യവസായ സംബന്ധമായുമുള്ള മോക്ഷത്തിനു ഏക കാരണമായി ഞങ്ങൾ വിശ്വസിക്കുന്ന തോട് ഞങ്ങൾക്കു കിട്ടുമെന്നു വെച്ചിട്ടാണ്. അതോടുകൂടിതന്നെ ഞങ്ങൾ വളരെ ബുദ്ധിപൂർവ്വമെന്നു വിചാരിച്ചു ചെയ്ത വേറൊരബദ്ധം തോടു കിട്ടുന്നതിനു മുമ്പ്, തോടിന്റെ എസ്റ്റിമേററു തയ്യാറാക്കുന്നതിനു മുമ്പ് തോടു കിട്ടുമെന്ന വിശ്വാസത്തിന്മേൽ ആ തോടിനു ഷൺമുഖം തോടെന്നു പേരിട്ടുവെന്നുള്ളതാണ്. (ചിരി) ഞാൻ അല്ല പേരിട്ടത്. ഷൺമുഖം തോടെന്നു പേരിട്ടുകൊള്ളട്ടെ,യെന്ന് ഇരിങ്ങാലക്കുടക്കാർ വലിയൊരു മീററിംഗുകൂടി പ്രമേയം പാസ്സാക്കി ദിവാൻജിയോടു എഴുതിചോദിച്ചതിൽ പേരിട്ടുകൊള്ളുവാൻ അദ്ദേഹം അനുവാദവും നൾകി. മരിച്ചു ജീവിക്കുവാൻ പോകുന്ന ഒരു കുട്ടിക്കു അദ്ദേഹത്തിന്റെ നാമധേയമിടുവാൻ അദ്ദേഹം സമ്മതിക്കുമെന്നു ഞങ്ങൾ ഒരിക്കലും വിചാരിച്ചിരുന്നില്ല. "പതികളൊന്നല്ല രണ്ടല്ല മൂന്നല്ല" എന്നു പണ്ടു പാഞ്ചാലി പറഞ്ഞതുപോലെ, ഒരു മുഖമല്ല, രണ്ടു മുഖമല്ല, ആറുമുഖങ്ങളോടുകൂടിയ ഒരു തോടായിരിക്കും കിട്ടുകയെന്നു ഉറച്ച വിശ്വാസത്തോടുകൂടിയാണ് ഞങ്ങൾ ആ പേരിട്ടത്. ൧൧൨-ലെ ബഡ്ജററിൽ ഇതിനു വളരെ അധികം രൂപാ നീക്കിവെയ്ക്കുകയും ചെയ്തു. അന്നു ഈ തോടു തരാമെന്നു പറഞ്ഞിരുന്ന അവസരത്തിൽ ഏതെങ്കിലും തരത്തിലുള്ള കരാറൊ ഉറപ്പൊ ജാമ്യമൊ കിട്ടണമെന്നു ഗവർമ്മെന്റു സൂചിപ്പിക്കുകപോലും ഉണ്ടായിട്ടില്ല. ഞാൻ പറയുന്നതു് ഇരിങ്ങാലക്കുടക്കാരെ സംബന്ധിച്ചിടത്തോളം ഒരു പഞ്ചായത്തല്ലാതെ ഒരു മുനിസിപ്പാലിററി അവിടെ സ്ഥാപിക്കുന്നതിനുള്ള സാഹചര്യങ്ങൾ, അതിനുള്ള ജനസംഖ്യ, അത്രയ്ക്കു വ്യാപാരത്തിരക്ക്, റോഡുകൾ ഇവയൊന്നും തൽക്കാലമില്ലെന്നാണ്. ഈ വിധത്തിലുള്ള തോടുവന്ന് വ്യാപാരം വർദ്ധിച്ച്, ക്ഷേമം വർദ്ധിച്ച്, ഒരു മുനിസിപ്പാലിററിയെ കൊണ്ടുനടത്തുവാനുള്ള പ്രാപ്തി തങ്ങൾക്കുണ്ടാകുമെന്നു വിചാരിച്ചാണു മുനിസിപ്പാലിററിയും വേണമെന്നു ഞങ്ങൾ പറഞ്ഞതു്. ഇപ്പോൾ ഇങ്ങിനെയുള്ള ഒരു മുനിസിപ്പാലിററിയിൽ നി

LIBRARY ARCHIVES Kerala Legislative Assembly

ന്ന് ഈ തരത്തിലൊരു കമ്മിഷണരെ കൂടി ഞങ്ങൾ പുലത്തണമെന്നു വരുന്നപക്ഷം, മിസ്റ്റർ പ്രസിഡൻറ്, ഞങ്ങളുടെ ശാപം പരിപൂർണ്ണമായിതീരുന്നതാണ്. അതുകൊണ്ടുമാത്രമാണ് ഒരാൾ, ശ്രീ വരുമാനമുള്ള മുനിസിപ്പാലിറ്റിയിലേ കമ്മിഷണരെ നിയമിക്കാവൂ എന്നു പറയുന്നത്. മുനിസിപ്പാലിറ്റി കൺസ്റ്റിറ്റ്യൂട്ട ചെയ്തതിനു ശേഷം മുനിസിപ്പാലിറ്റി വേണ്ടെന്നു പറയുവാൻ പാടില്ലല്ലോ. ഫ്രൻറ്-ൽ ആന്ധ്രദേശത്തു ചെർളാപിർളാ എന്ന സ്ഥലത്തു ഗവൺമെൻറിന്റെ സ്വയാധികാരത്തിൽ ഒരു മുൻസിപ്പാലിറ്റി സ്ഥാപിച്ചു. അതിനെ പ്രതിഷേധിച്ചു അവിടത്തെ ജനങ്ങൾ ആന്ധ്രാരത്നം കൃഷ്ണയ്യരുടെ നേതൃത്വത്തിൽ മുനിസിപ്പാലിറ്റി അതുത്തിയുടെ പുറത്തുപോയി താമസിച്ചു. എന്നിട്ടും ഗവൺമെൻറ് സ്വാധികാരം പ്രയോഗിച്ചു. ആ സാധുക്കളുടെ തൊണ്ടയിൽക്കൂടി മുനിസിപ്പാലിറ്റിയെ ഇറക്കുകയാണു ചെയ്തത്. എന്നാൽ ഇപ്പോൾ കാൺഗ്രസ്സു മിനിസ്റ്ററി വന്നതിനു ശേഷം മിസ്റ്റർ ഗോപാലറെഡ്ഡി അവിടെ ചെന്ന അവസരത്തിൽ അവിടത്തെ മുനിസിപ്പാലിറ്റി തങ്ങളിൽനിന്നു പിൻവലിക്കണമെന്നു അവിടത്തെ ജനങ്ങൾ അപേക്ഷിച്ചു. അപ്പോൾ അദ്ദേഹം പറഞ്ഞതു്, നിങ്ങൾ ഭൂരിപക്ഷം ജനങ്ങളുടെ ഒരു റഫറണ്ടമെടുത്തു ഗവൺമെൻറിലേയ്ക്കു സമർപ്പിക്കുകയാണെങ്കിൽ അതനുസരിച്ചു തീർച്ചയായും മുനിസിപ്പാലിറ്റിയെ പിൻവലിക്കാമെന്നാണ്. ഇരിങ്ങാലക്കുട മുനിസിപ്പാലിറ്റി കാൺസ്റ്റിറ്റ്യൂട്ട ചെയ്യുപ്പോൾ ഈ മുനിസിപ്പൽ ബിൽ വരുമെന്നു ഞങ്ങൾ വിചാരിച്ചിരുന്നില്ല. ഈ വിധത്തിലുള്ള ഏടാകൂടങ്ങളും വന്നുകൂടുമെന്നു ഞങ്ങൾ വിചാരിച്ചിരുന്നില്ല. മുനിസിപ്പാലിറ്റി വരുന്നതോടുകൂടി മുനിസിപ്പൽ കമ്മിഷണരേയും കൊണ്ടുവരുമെന്നു ഞങ്ങൾ വിചാരിച്ചിരുന്നില്ല. വരുന്ന കൊല്ലത്തെ ബഡ്ജറ്റു നോക്കിയാൽ അവിടത്തെ മുനിസിപ്പൽ ഉദ്യോഗസ്ഥന്മാർക്കു കൊടുക്കേണ്ട ശമ്പളത്തിനുള്ളതു തുകപോലും അവിടത്തെ മുനിസിപ്പാലിറ്റിക്കു വരുമാനമുണ്ടായിരിക്കുകയില്ലെന്നു് കാണാൻ കഴിയും.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Is it Rs. 50,000?

മിസ്റ്റർ പി. ഗോവിന്ദമേനോൻ *(Adur).*— It is not 50,000. I am stating a principle . . . . .

അങ്ങിനെ ഇപ്പോൾ ഉള്ള ഉദ്യോഗസ്ഥന്മാർക്കുപോലും ശമ്പളം കൊടുക്കുവാൻ വരുമാനമില്ലാത്ത സ്ഥിതിക്കു്, ഞങ്ങളുടെ കുട്ടികൾക്കു കഞ്ഞികൊടുക്കുവാൻപോലും വകയില്ലാതിരിക്കുമ്പോൾ, അന്യർക്കു സദ്യകൊടുക്കുവാനുള്ള— മുനിസിപ്പൽ കമ്മിഷണർക്കു ശമ്പളം കൊടുക്കുന്നതിനു് നിർബ്ബന്ധിക്കുന്ന തരത്തിലുള്ള — ഒരു നിയമം പാസ്സാക്കരുതെന്നാണ് ഒരു ഇരിങ്ങാലക്കുടക്കാരന്റെ നിലയിൽ ഈ സഭയിൽ എനിക്കു നിവേദനം ചെയ്യുവാനുള്ളതു്.

LIBRARY ARCHIVES Kerala Legislative Assembly

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ (*Ezhuvas North*).— സർ, സ്വയംഭരണ പരിശീലനം ഇൻഡ്യാക്കാർക്കു വരുത്തിക്കൊടുക്കുന്നതിനുവേണ്ടിയുണ്ടാക്കീട്ടുള്ള യഥാർത്ഥപ്രാദേശിക സ്വയംഭരണസ്ഥാപനങ്ങളാണു ഈ മുനിസിപ്പാലിറ്റികൾ എന്നാണു ഞാൻ ധരിച്ചിരിക്കുന്നതു്. ഈ മുനിസിപ്പാലിറ്റിപോലെ ആദ്യം ഇവിടെ പഞ്ചായത്തു ഏർപ്പെടുത്തി. അങ്ങിനെയുള്ള പഞ്ചായത്തുകളെല്ലാം പീന്നിട പഞ്ചാപത്തിൽതന്നെ അവസാനിച്ചു. ഇതേവരെ മുനിസിപ്പാലിറ്റി സംബന്ധമായ ഈ വാദത്തിൽ ഞാൻ തലയിടാതിരുന്നതു മുനിസിപ്പാലിറ്റിയിൽനിന്നു പുറത്തുള്ളൊരാളായതുകൊണ്ടാണു്. പക്ഷെ എന്റെ നിയോജകമണ്ഡലത്തിൽ രണ്ടു മുനിസിപ്പാലിറ്റികളുണ്ടു്. അതിനും ഈ ദുരിതം വന്നിരിക്കുന്നല്ലോ എന്നു വിചാരിച്ചാണു് രണ്ടുവാക്കു പറയാമെന്നു വിചാരിക്കുന്നതു്. പ്രാദേശിക സ്വയംഭരണ സ്ഥാപനങ്ങൾക്കു പ്രോത്സാഹനവും കൂടുതൽ ഉത്തരവാദിത്വവും നൽകുന്നതായ ഈ സന്ദർഭത്തിൽ അതായതു് ഇന്നലത്തെ ജയിൽപുള്ളികൾ ഇന്നത്തെ ഭാരതത്തിന്റെ ഭരണചക്രം തിരിച്ചുകൊണ്ടിരിക്കുന്ന ഈ കാലത്തു് സർ, ഞങ്ങൾക്കു പൂർണ്ണസ്വാതന്ത്ര്യം തരണമെന്നു്, ഉത്തരവാദിത്വഭരണം തരണമെന്നു, ഈ നിയമസഭയിൽ പലപ്രാവശ്യം ഞങ്ങൾ ഉപക്ഷേപങ്ങൾ വഴിയായും പ്രമേയങ്ങൾ വഴിയായും ഗവൺമെൻറിനെ ഉൽബോധിപ്പിച്ചിട്ടുള്ള ഈ അവസരത്തിൽ, ഞങ്ങൾക്കു ഒരു കൊല്ലത്തിനു മുമ്പു് മിനിസ്റ്റേഴ്സിനെ തരാമെന്നു വാഗ്ദാനം ചെയ്തിരുന്ന ഈ നിയമസഭയിൽ ഇങ്ങിനെയുള്ള ഒരു വിഷയത്തെപ്പറ്റി അതായതു് പട്ടണത്തിൽ കിടന്നു കഷ്ടപ്പെടുന്ന സാധുക്കളുടെ പക്കൽനിന്നു നികുതി പിരിച്ചു് അതുകൊണ്ടു ഗവൺമെണ്ടിന്റെ ആജ്ഞാനുസൃതം പ്രവൃത്തിക്കാൻ ഗവൺമെൻറിൽനിന്നു നിയമിക്കുന്ന കമ്മിഷണർക്കു നാം കൃപാ ശബളം മുനിസിപ്പാലിറ്റി കൊടുത്തു നഷ്ടപ്പെട്ടം അടിമതപം വരിച്ചും കഴിഞ്ഞുക്രൂടേണമെന്നുള്ള ഒരു നിയമം ഈ സഭയിൽ കൊണ്ടുവരുവാൻ ധൈര്യപ്പെട്ട ഗവൺമെൻറിനെ അനുമോദിക്കുകയോ ആക്ഷേപിക്കുകയൊ എന്താണു ചെയ്യണ്ടതെന്നറിയുന്നില്ല.

രണ്ടാമതായി ഈ കമ്മിഷണറെ വെക്കുന്ന കാര്യത്തിൽ ഞാനൊന്നു ചിന്തിച്ചു. സർവ്വകലാശാലബിരുദധാരികളായ എന്റെ ചില മാന്യ സ്നേഹിതന്മാരിൽ ചിലർക്കു എങ്ങിനെയെങ്കിലും ഉദ്യോഗം കിട്ടും. അതു കിട്ടിക്കഴിഞ്ഞാൽ രാഷ്ട്രീയനഭോമണ്ഡലത്തിൽ അവരെക്കൊണ്ടുള്ള ഉപദ്രവം നീങ്ങാനിടവരും. അപ്പോൾ ബാക്കി കാര്യങ്ങളിൽ സാധുക്കളെ ദ്രോഹിക്കാൻ അവർ വരികയില്ലല്ലോ എന്ന ഒരു ആശ്വാസമാണുണ്ടായതു്. അവരെ പൊതുകാര്യങ്ങളിൽനിന്നു ഒഴിച്ചുവിടാം എന്നു ഞാൻ ആദ്യം വിചാരിച്ചു. പിന്നെ നോക്കിയപ്പോഴാണു് ഗവൺമെൻറു പറയുന്നതുപോലെ കേൾക്കുന്ന ആളുകളേ നിയമിക്കയുള്ളൂ എന്നു മനസ്സിലാകുന്നതു്. ന്യായമായാലും അന്യായമായാലും ഗവൺമെണ്ടിന്റെ കല്പനയനുസരിക്കാത്ത ഒരുകമ്മിഷണറെ ഗവൺമെണ്ടിനു യാതൊരു കാ

LIBRARY ARCHIVES Kerala Legislative Assembly

രണവും പറയാതെ ഒഴിവാക്കാമെന്നു. കഷ്ടം! മുനിസിപ്പാലിറ്റിയിൽ നിന്നു പണം കൊടുത്തു്, ഗവൺമെൻറു പറയുന്നതുപോലെ പ്രവൃത്തിക്കുവാൻ ഒരു ഉദ്യോഗസ്ഥനെ നിയമിക്കുന്നതു് ഒരു പരിഷ്കൃതഗവർമ്മെൻറിനു യോജിച്ചതാണോ എന്നാണു ഞാൻ ചോദിക്കുന്നതു്. സ്വയംഭരണസ്ഥാപനങ്ങൾക്കുവേണ്ടി മദ്രാസ് നിയമസഭയിലും സാമ്രാജ്യ നിയമസഭയിലും ധീരധീരം പോരാടിക്കൊണ്ടിരുന്ന സർ ഷൺമുഖം ഇവിടെ ദിവാൻപദം അലങ്കരിക്കുമ്പോൾ ഇങ്ങിനെയുള്ള ഒരു അവസ്ഥക്കു അവകാശമുണ്ടോ? (ഹിയർ, ഹിയർ.)

സർ, ഇങ്ങിനെയുള്ള നിയമം ഞങ്ങൾക്കുവേണ്ട. ഇപ്പോൾ അമ്പതിനായിരം രൂപാ വരുമാനമുള്ള മുനിസിപ്പാലിറ്റിക്കു കമ്മിഷനെ വെക്കുവാൻ പാടുള്ളൂ എന്ന ഒരു ഭേദഗതിയാണു് ബഹുമാനപ്പെട്ട ചിറയൂർ മെമ്പർ അവർകൾ ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളതു്. അതു് എഴുപത്തയ്യായിരം രൂപാ ആക്കണമെന്നു മറെറാരു ഭേദഗതി ബഹുമാനപ്പെട്ട പള്ളിപ്പുറം മെമ്പർ അവർകളും കൊണ്ടുവന്നു. ഇങ്ങിനെവന്നാലും ദരിദ്രരാൽ നിറയപ്പെട്ട തൃശ്ശൂർ മുനിസിപ്പാലിറ്റിക്കും ബാധിക്കുമല്ലൊ എന്നു കരുതി ഞാൻ വ്യസനിക്കുന്നു. ചിറയൂർ മുനിസിപ്പാലിറ്റിയെ ഇതിൽനിന്നു ഒഴിവാക്കാം. തൃശ്ശൂർ മുനിസിപ്പാലിറ്റിയിൽ എഴുപതിനായിരം രൂപായിൽ വളരെ കൂടുതൽ വരുമാനം വളരെ കഷ്ടപ്പെട്ടും അവർ ഉണ്ടാക്കുന്നുണ്ടായിരിക്കാം. അപ്പോൾ അതിനെ ഇതു ബാധിക്കുമല്ലൊ എന്നു വിചാരിച്ചാണു ഞാൻ വ്യസനിക്കുന്നതു്.

സർ, ഇരിങ്ങാലക്കുട മുനിസിപ്പാലിറ്റിയുടെ ചരിത്രം ബഹുമാനപ്പെട്ട അഡ്ഡൂർമെമ്പർ ഇവിടെ വിസ്തരിച്ചുകഴിഞ്ഞു. ഇരിങ്ങാലക്കുടമെമ്പർ ഇപ്പോൾ എറണാകുളത്തു താമസക്കാരനാകയാലും മറു ചില പ്രത്യേക കാരണങ്ങളാലും അദ്ദേഹം ഒരുപക്ഷേ ഈ ഭേദഗതിയേയും എതുത്തേക്കാം. കുന്ദംകുളത്തു ദിവാൻജി അവർകൾ ചെന്നപ്പോൾ ആനാട്ടുകാർ ഒരു മംഗളപത്രം സമർപ്പിച്ചു. അതിൽ പല കാര്യങ്ങളും പറഞ്ഞിരുന്നുവെങ്കിലും ദിവാൻജി അവർകൾ അവരോടു പറഞ്ഞതു് നിങ്ങൾ വളരെ ബുദ്ധിമാന്മാരാണു്, നിങ്ങൾ പലേ സംഗതികളും മംഗളപത്രത്തിൽ ആവശ്യപ്പെട്ടിട്ടുണ്ടു്; എന്നാൽ മുനിസിപ്പാലിറ്റിമാത്രം ആവശ്യപ്പെട്ടിട്ടില്ല; നിങ്ങൾ മംഗളപത്രത്തിൽ ആവശ്യപ്പെട്ടിട്ടുള്ള കാര്യങ്ങൾ തരുവാൻ നിവൃത്തിയില്ല; നിങ്ങൾക്കു മുനിസിപ്പാലിറ്റി അനുവദിച്ചുതരുവാനാണു് ഞാൻ ഉദ്ദേശിക്കുന്നതു്. ഇതാണു ദിവാൻജി അവർകൾ മറുപടി പറഞ്ഞതു്. ആ രാജ്യത്തെ ആളുകളേയും കഷ്ടപ്പെടുത്തുന്നതിനല്ലേ ദിവാൻ അവർകൾ അങ്ങിനെയെല്ലാം പറഞ്ഞതു് എന്നു് ഇന്നു സംശയിക്കേണ്ടിയിരിക്കുന്നു.

സർ, വേറെ സ്ഥലത്തെ ഡെമോക്രാററിക്കു നിയമം ഞാൻ വായിച്ചിട്ടുണ്ടു്. കൊച്ചീരാജ്യത്തെ ഡെമോക്രാററിക്കു നിയമം ഞാൻ വായിച്ചിട്ടില്ല. ഈ നിയമസഭയിൽ ഡെമോക്രാററിക്കു പാർട്ടി എന്നും

LIBRARY ARCHIVES Kerala Legislative Assembly

സ്റ്റേറ്റ് കാൺഗ്രസ് പാർട്ടി എന്നും രണ്ടു പാർട്ടികളുണ്ട്. കോൺഗ്രസ് പാർട്ടിയുടെ നയം ഇന്നായിന്നതാണെന്നു ഞങ്ങൾ വ്യാഖ്യാനമാക്കീട്ടുണ്ട്. ഡെമോക്രാറ്റിക്ക് പാർട്ടിയുടെ നയമെന്താണെന്നു ഞങ്ങൾക്കു മനസ്സിലാകുന്നില്ല. കൊച്ചിയിൽ ഡെമോക്രസി എന്നാൽ ഗവൺമെൻറിന്റെ ചവിട്ടും ആട്ടും തുപ്പും അനുഭവിച്ചു, അടിമത്വം വഹിച്ചു, ദാസ്യമനോഭാവത്തോടുകൂടി നിർലജ്ജം പൊതുജനദാസന്മാരോടു, പൊതുജനക്ഷേമകാംക്ഷികളോടു, പൊതുജനാഭിപ്രായത്തോടു മല്ലിട്ടു പോരാടലാണോ എന്നു സംശയിക്കത്തക്ക നിലയിലാണു മറുള്ളവർക്ക് അതായതു്, നിഷ്പക്ഷപാതികളായ നിരീക്ഷകന്മാർക്കു വീക്ഷിക്കുവാൻ കഴിയുക. നിർഭാഗ്യയായ മാടമഹീതലേ! വ്യസനിക്കാതിരിക്കു. നിന്നെ അടിമത്വത്തിൽനിന്നു വിടുവിക്കുവാൻ നിൻറെ ചില ധീരസന്താനങ്ങൾ പരിശ്രമിക്കുന്നുണ്ടു്. കുറച്ചുശ്വസിക്കു. കൊച്ചിയുടെ ഈ നിർഭാഗ്യാവസ്ഥയെക്കുറിച്ചു വ്യസനിക്കയല്ലാതെ മറെന്താണു ചെയ്യേണ്ടതെന്നറിയുന്നില്ല. ദയവുചെയ്തു ഈവക സംഗതികളിൽ സാധുക്കളെ കഷ്ടപ്പെടുത്താതിരിക്കണം. ഇപ്പോൾ വൈദ്യുതീകരണത്തിനും മറും നികുതി കൊടുക്കണമെന്നു പറയുന്നുണ്ടു്. ഇനി കമ്മിഷണരുടെ ശമ്പളം കൊടുക്കുന്നതിനു നികുതി പിരിക്കുവാൻപോകുന്നു. ഇതു എങ്ങിനെ പിരിക്കുവാൻ സാധിക്കുമെന്നാണു ഞാൻ ചോദിക്കുന്നതു്. മുനിസിപ്പാലിറ്റി എന്നു പേരും പറഞ്ഞു്, സ്വയം ഭരണസ്ഥാപനങ്ങളാണെന്നു് ആളുകളെ വ്യാമോഹിപ്പിക്കുവാനുള്ള ഈ പൂച്ചുവിട്ടു ഗവൺമെൻറു കൊണ്ടുവരരുതു്. ഇതു പൂച്ചുവിട്ടുയാണെന്നു മനസ്സിലാക്കുവാനുള്ള മനഃസംസ്കാരം കൊച്ചിയിലെ ജനങ്ങൾക്കുണ്ടെന്നു ഗവൺമെൻറു നല്ലവണ്ണം മനസ്സിലാക്കണം. ഇനിയെങ്കിലും ഗവൺമെൻറു ഇത്തരത്തിലുള്ള അനാശാസ്യകരമായ സമ്പ്രദായങ്ങൾ കൊണ്ടുവരരുതു്.

ഡെപ്യൂട്ടിപ്രസിഡണ്ടു്.— മോഷനെപ്പറ്റി മെമ്പർ സംസാരിക്കുന്നില്ല.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ *(Ezhuvas North)*.— സർ, ഞാൻ ആദ്യംതന്നെ ഫൌണ്ടേഷൻ കെട്ടിയിട്ടവേണ്ടേ Superstructure കെട്ടി മേല്പോട്ടു കയറാൻ. അതിനു ആരംഭിക്കുകയാണു ചെയ്യുന്നതു്. ഞാൻ പോയിൻറിലേക്കു വരുന്നതിനുമുമ്പു കാര്യം പറഞ്ഞു മനസ്സിലാക്കാം. ഇവിടെ എഴുപത്തയ്യായിരം രൂപ വരുമാനമുള്ള മുനിസിപ്പാലിറ്റിയിലേ കമ്മിഷണരെ വെക്കുവാൻ പാടുള്ളൂ എന്നു കാര്യമാണു് പറയുന്നതു്. ഈ കമ്മിഷണർമാർ വേണമെന്നു പറയുന്നതു് എന്തിനാണെന്നാണു ഞാൻ ചോദിക്കുന്നതു്. അതിൻറെ അനൌചിത്യത്തെക്കുറിച്ചു മനസ്സിലാക്കുകയാണു ഞാൻ ചെയ്യുന്നതു്.

Deputy President.—The Hon'ble Member must speak upon the motion and confine himself to it.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ *(Ezhuvas North)*.— സർ, ഒരു കാര്യം പറയാം. ഒരു മദ്യപാനിയായ ഒരാൾ ഒരിക്കൽ പറ

LIBRARY ARCHIVES Kerala Legislative Assembly

ഞ്ഞു എന്തു വന്നാലും നിന്നെ രണ്ടു അടിക്കുവാൻ ഞാൻ തീരുമാനിച്ചുകഴിഞ്ഞുവെന്ന്. അതുപോലെ ഞങ്ങൾ എന്തുതന്നെ പറഞ്ഞാലും ഗവമ്മെൻറു സാധുക്കളിൽനിന്നും നികുതി പിരിച്ചെടുത്തു 100 രൂപാ ശമ്പളം കൊടുത്തു ഗവമ്മെൻറിന്റെ ആവശ്യം നടത്തുന്നതിനു ഒരു കമ്മിഷണരെ നിയമിക്കുന്നതിനു തീരുമാനിച്ചുകഴിഞ്ഞു. എന്നാൽ ഇക്കാര്യത്തിൽ ഇനി എനിക്കു പറയുവാനുള്ളതു് എഴുപത്തയ്യായിരം രൂപാ വരുമാനമുള്ള മുനിസിപ്പാലിറ്റിക്കല്ലാതെ ഇതു ബാധിക്കരുതു് എന്നാണു്. ചിറയൻ മുനിസിപ്പാലിറ്റിയും ഇരിങ്ങാലക്കുട മുനിസിപ്പാലിറ്റിയും ഈ ആപത്തിൽനിന്നു രക്ഷപ്പെട്ടെങ്കിലൊ എന്നു വിചാരിച്ചാണു് ഇതു പറയുന്നതു്. തൃശ്ശൂർ മുനിസിപ്പാലിറ്റിക്കു ഇതു പറവാനല്ലൊ എന്നുള്ള വ്യസനംകൊണ്ടു ഇത്രയും പറഞ്ഞിട്ടുള്ളതാണു്.

അതുകൊണ്ടു ദയവുചെയ്തു കർഷകന്മാരായ ചിറയൻക്കാരെ, കാർഷികോല്പന്നങ്ങളുടെ വിലക്കുറവുകൊണ്ടു കഷ്ടപ്പെടുന്ന ചിറയൻക്കാരെ ബാധിക്കാതിരിക്കുവാൻ വേണ്ടി ഇതു എഴുപത്തയ്യായിരം രൂപായാക്കിത്തീർക്കണമെന്നു അപേക്ഷിച്ചുകൊണ്ടു ബഹുമാനപ്പെട്ട പള്ളിപ്പുറംമെമ്പർ അവർകളുടെ ഭേദഗതിയെ ഞാൻ അനുകൂലിച്ചുകൊള്ളുന്നു.

* മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ *(Nellayi.)*— സർ, ഒരു കമ്മിഷണരെ വെക്കണം, അല്ലെങ്കിൽ ഒരു എക്സിക്യൂട്ടീവു ആഫീസരെ വെയ്ക്കണമെന്നാണു് ഇന്നുകാലത്തു വാദപ്രതിവാദം നടന്നതു്. ഈ വാദപ്രതിവാദത്തിനിടക്കു മിക്കവരുടേയും കണ്ണിൽനിന്നു തീപ്പൊരികൾ പറക്കുന്നതു കണ്ടപ്പോൾ വിചാരിച്ചു ഞങ്ങളേയും എലക്ട്രോക്യൂറു ചെയ്യുമെന്നു്. എന്നാൽ ഇപ്പോൾ എഴുപത്തയ്യായിരം രൂപാ വരുമാനമുള്ള മുനിസിപ്പാലിറ്റിയിലേ ആളെ വെക്കുവാൻ പാടുള്ളൂ എന്ന അഭിപ്രായം വന്നതുകൊണ്ടാണു് രണ്ടു വാക്കു സംസാരിക്കാമെന്നു വെച്ചതു്.

ഇപ്പോൾ ഒരു കമ്മിഷണരെ മുനിസിപ്പാലിറ്റിയിൽ വെച്ചുകൊടുത്താൽ അവിടെയുള്ള ജോലിയെന്താണെന്നു ഒന്നാലോചിക്കുക. എനിക്കു പഞ്ചായത്തിന്റെ വക്കിംഗ് കൂറേയ്യെ അറിയാം. എന്റെ അനുഭവത്തിൽ പറയുകയാണെങ്കിൽ ഈ പഞ്ചായത്തും മുനിസിപ്പാലിറ്റിയും തമ്മിൽ വലിയ വ്യത്യാസമുണ്ടെന്നു തോന്നുന്നില്ല. മുനിസിപ്പാലിറ്റിയിൽ കുറച്ചു കൂടുതൽ മെമ്പർമാർ ഉണ്ടെന്നല്ലാതെ അതിന്റെ വക്കിംഗിൽ വലിയ വ്യത്യാസമുണ്ടെന്നു തോന്നുന്നില്ല. ചില വ്യത്യാസമുണ്ടു്. അതായതു് ചെയർമാന്നു വിശേഷിച്ചു ജോലിയൊന്നുമില്ലെങ്കിൽ വലിയ വലിയ അതിഥികളും വരുമ്പോൾ മാല ഇടാനുള്ള അധികാരമുണ്ടു്. അതിനു പഞ്ചായത്തിൽ സൂട്ടധികാരവുമുണ്ടു്.

അതുകൊണ്ടു് ഈ ഉപക്ഷേപത്തിൽ ചെയ്യേണ്ടതു എന്താണെന്നു വെച്ചാൽ പഞ്ചായത്തധികാരം മാത്രം നടക്കുന്ന ഈ മുനിസിപ്പാ

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

ലിറിക്കളെക്കൂടി പഞ്ചായത്ത് ഡയറക്ടറെ ഏല്പിച്ചുകൊടുക്കുക എന്നുള്ളതാണ്. എന്നാൽ മുനിസിപ്പാലിറ്റിയിൽനിന്നു നാം ഒരു രൂപാ കൊടുക്കാതെ കഴിക്കാം. അതുകൊണ്ട് ഈ മുനിസിപ്പാലിറ്റിയെയെല്ലാം പഞ്ചായത്ത് ഡയറക്ടറെ ഏല്പിച്ചുകൊടുത്താൽ മതിയെന്നാണ് എന്റെ അഭിപ്രായം.

The House rose for the day at 5 p. m.

B. V. KRISHNANKUTTY MENON,

Secretary to the Council.

LIBRARY ARCHIVES Kerala Legislative Assembly

APPENDIX

THE COCHIN MUNICIPAL BILL,

as modified by the Select Committee.

Preamble. Whereas it is expedient to consolidate and amend the law relating to Municipalities in Cochin; It is hereby enacted as follows:—

PART I.

CHAPTER I—PRELIMINARY.

Title and extent. 1. (1) This Act may be called the Cochin Municipal Act, of .

(2) It extends to the whole of Cochin.

Repeal of enactments. 2. The Cochin Municipal Act, XI of 1096, and all its amending Acts are hereby repealed.

Definitions. 3. In this Act unless there is anything repugnant in the subject or context.—

(i) *Appoint.*—Appoint includes to appoint temporarily or in an officiating capacity.

(ii) *Appointment.*—Appointment includes temporary and officiating appointments.

(iii) *Building.*—Building includes a house, out-house, stable, latrine, reservoir, shed, hut, wall other than a boundary wall (not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever.

(iv) *Building line.*—Building line means a line which is in rear of the street alignment and to which the main wall of a building abutting on a street may lawfully extend.

(v) *Carriage.*—Carriage includes any wheeled vehicle with springs or other appliances acting as springs; and all kinds of motor cars, motor lorries, motor omnibuses, motor cycles, bicycles, tricycles, rickshaws and palanquins.

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(vi) *Cart.*—Cart includes any wheeled vehicle which is not a carriage.

(vii) *Casual election.*—Casual vacancy means a vacancy occurring otherwise than by efflux of time and casual election means an election held on the occurrence of a casual vacancy.

(viii) *Company.*—Company means a company as defined in the Indian Companies Act, 1913, or formed in pursuance of an Act of Parliament or of Royal Charter or Letters Patent or of an Act of the Legislature of a British possession or under the Cochin Companies Act, IV of 1080, or under the Indian Companies Act, 1913, as made applicable to Cochin by His Highness the Maharaja's Proclamation and includes any firm or association carrying on business in Cochin State, whether incorporated or not, and whether its principal place of business is situated in Cochin or not, but shall not include any co-operative society registered under the Cochin Co-operative Societies Act.

(ix) *Election authority.*—Election authority means such authority not being the Chairman or Vice-Chairman or a Councillor as may be prescribed.

(x) *European.*— European means any person of European descent who either was born in or has a domicile in the United Kingdom or in any British possession or in any State of India, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile.

(xi) *Executive authority.*—Executive authority means the Commissioner in the case of Municipalities in which Government have under section 13 appointed Commissioners and the Chairman in the case of other Municipalities.

(xii) *Filth.*—Filth includes sewage, night-soil, dung, dirt, putrid and putrifying substances and all offensive matter.

(xiii) *Hut.*—Hut means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made which the Council may declare to be a hut for the purpose of the Act.

(xiv) *Latrine.*—Latrine includes privy, water closet and urinal.

(xv) *Market.*—Market means a place where persons assemble for selling and for buying meat, fish, fruit, grain, vegetables or any other article of food or commerce or any vendible article or for the sale or purchase of live-stock or poultry, and which every member of the public has, of common right, the liberty to enter and frequent for the purpose of bringing thither

LIBRARY ARCHIVES Kerala Legislative Assembly

and there exposing for sale and selling or of buying such commodities as are vendible there.

(xvi) *Municipal Office.*—Municipal Office means the principal office of any Municipal Council.

(xvii) *Nuisance.*—Nuisance includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property.

(xviii) *Occupier.*—Occupier includes any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used.

(xix) *Ordinary vacancy and ordinary election.*—Ordinary vacancy means a vacancy occurring by efflux of time and ordinary election means an election held on the occurrence of an ordinary vacancy.

(xx) *Owner.*—Owner includes—

(a) the person for the time being receiving or entitled to receive whether on his own account or as agent, trustee, guardian, manager or receiver for another person, or for any religious or charitable purpose, the rent or profits of the property, in connection with which the word is used, and

(b) the person for the time being in charge of the animal or vehicle, in connection with which the word is used.

(xxi) *Palanquin.*—Palanquin includes tonjons, manchils and chairs carried by men by means of posts, but not slings or cots used for the conveyance of children or aged or sick people.

(xxii) *Prescribed.*—Prescribed means prescribed by the Government by rules made under this Act.

(xxiii) *Private Street.*—Private street means any street, road, square, court, alley, passage or riding path which is not a "public street" but does not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises.

(xxiv) *Public Street.*—Public street means any street, road, square, court, alley, passage or riding path, over which the public have a right of way whether a thoroughfare or not and includes—

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such street, public bridge or causeway; and

LIBRARY ARCHIVES Kerala Legislative Assembly

(c) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, veranda, or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or property belonging to Government.

(xxv) *Public water courses, etc.*—Public water courses, springs, wells and tanks include those used by the public to such an extent as to give a prescriptive right to such use.

(xxvi) *Reconstruction.*—Reconstruction of a building includes—

(a) the re-erection wholly or partially of a building after more than one half of its cubical contents has been taken down or burnt down, or has fallen down whether at one time or not;

(b) the re-erection wholly or partially of any building of which an outer wall has been taken down or burnt down or has fallen down to or within ten feet of the ground adjoining the lowest storey of the building, and of any frame building which has so far been taken down or burnt down or has fallen down as to leave only the frame work of the lowest storey;

(c) the conversion into a dwelling house or a place of Public Worship of any building not originally constructed for human habitation or for Public Worship, as the case may be, or the conversion into more than one dwelling house of a building originally constructed as one dwelling house only or the conversion of a dwelling house into a factory;

(d) the re-conversion into a dwelling house or a place of Public Worship or a factory of any building which has been discontinued as, or appropriated for any purpose other than, a dwelling house or a place of Public Worship or a factory as the case may be.

(xxvii) *Residence—Reside.*—A person is deemed to have his "residence" or to "reside" in any house if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house at any time and has not abandoned his intention of returning.

(xxviii) *Rubbish.*—Rubbish means dust, ashes, broken bricks, mortar, broken glass and refuse of any kind which is not "filth".

(xxix) *Salary.*—Salary means pay and acting pay or payment by way of commission and includes exchange compensation

LIBRARY ARCHIVES Kerala Legislative Assembly

allowances, but not allowances for house rent, carriage hire or travelling expenses.

(xxx) *Scavenger.*—Scavenger means a person employed in collecting or removing filth, in cleansing drains or slaughter houses or in driving carts used for the removal of filth.

(xxxi) *Street alignment.* —Street alignment means a line dividing the lands comprised in and forming part of a street from the adjoining land.

(xxxii) *Water course.*—Water course includes any river, stream or channel, whether natural or artificial.

(xxxiii) *Year.*—Year means the financial year.

PART II.

Establishment, Constitution and Government of Municipalities.

CHAPTER II—CREATION AND ABOLITION OF MUNICIPALITIES.

4. (1) The Government may, by notification, declare their intention—

Creation of Municipalities.

(a) to constitute as a Municipality any town, village, hamlet, bazaar, station or other local area or any group of the same in the immediate neighbourhood of one another ; or

(b) to exclude from a Municipality any local area comprised therein and defined in such notification, or

(c) to include within a Municipality any local area in the vicinity thereof and defined in such notification.

(2) Any inhabitant of a local area or tax payer of a Municipality in respect of which any such notification has been published, may, if he desires to object to anything therein contained, submit his objection in writing to the Government within six weeks from the publication of the notification and the Government shall take all such objections into consideration.

(3) When six weeks from the publication of the notification have expired, and the Government have considered the objections, if any, which have been submitted, they may, as the case may be, by notification declare to be a Municipality, or exclude from or include in a Municipality, the local area or any portion thereof.

(4) This Act shall come into force in, or cease to apply to any Municipality or part thereof, as the case may be, on such

LIBRARY ARCHIVES Kerala Legislative Assembly

date as may be specified in the notification under sub-section 3.

Abolition of Municipalities.

5. (1) The Government may, by notification, abolish any Municipality to which this Act applies.

Provided as follows:—

(a) the Government shall before they issue such notification, communicate to the Municipal Council the grounds on which they propose to do so, fix a reasonable period for the Municipal Council to show cause against the proposal and consider its explanations and objections, if any,

(b) the notification shall contain a statement of the Government's reasons and shall be laid on the table of the Legislative Council.

(2) From such date as may be specified in such notification, this Act and all notifications, rules, by-laws, acts, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the area previously comprised in the Municipality, the balance of the municipal fund and all other property vested in the Municipal Council shall vest in the Government, and the liabilities of the Council shall be transferred to the Government.

(3) All property vested in the Government under sub-section (2) shall be applied by them to discharge the liabilities imposed on them by that sub-section or for the promotion of the safety, health, welfare and convenience of the inhabitants of the area previously comprised in the Municipality.

CHAPTER III.—CONSTITUTION OF MUNICIPAL AUTHORITIES.

Authorities.

The Municipal authorities and their incorporation.

6. (1) The Municipal Authorities charged with carrying out the provisions of this Act are —

(a) A Council;

(b) A Chairman;

and (c) An Executive Authority.

(2) The Municipal Council shall, by the name of the Municipality, be a body corporate, shall have perpetual succession and a common seal and subject to any restriction or

LIBRARY ARCHIVES Kerala Legislative Assembly

qualification imposed by this or any other enactment shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property movable or immovable, of entering into contracts and of doing all things necessary for the purpose of its constitution.

Constitution of Council.

7. (1) The Municipal Council shall consist of such number of Councillors as may be notified by the Government in accordance with the following table :—

	Number of Councillors.
Municipalities with a population—	
Not exceeding 20,000 at the last census ..	16
Exceeding 20,000 but not exceeding 30,000 ..	20
Exceeding 30,000 but not exceeding 40,000 ..	24
Exceeding 40,000 but not exceeding 50,000 ..	28
Exceeding 50,000 but not exceeding 1,00,000 ..	32
Exceeding 1,00,000 ..	36

(2) The Councillors shall be partly appointed by Government and partly elected by the Municipal electors, as the Government may determine by notification:

Provided that the number of Councillors appointed by Government shall not exceed one-fifth of the total number.

Term of Councillors and filling up seats.

8. (1) The term of office of Concillors shall, save as otherwise expressly provided in this Act be three years beginning and expiring at noon on the first day of Vrischigam.

(2) Vacancies in the office of Councillors appointed by Government under section 7 (2) shall be filled up by Government.

(3) Ordinary vacancies in the office of an elected Councillor shall be filled at ordinary elections which shall be fixed by the election authority to take place on such day or days in the months of Chingam and Kanni next preceding the vacancies as he thinks fit:

Provided that the Government may, for sufficient cause, direct or permit the holding of any ordinary election after the end of Kanni.

(4) A Councillor elected at an odinary election held after the occurrence of a vacancy or appointed by Government after the occurrence of the vacancy shall enter upon office forthwith, but shall hold office only so long as he would have been entitled

LIBRARY ARCHIVES Kerala Legislative Assembly

to hold office if he had been elected or appointed before the occurrence of the vacancy.

(5) A casual vacancy in the office of an elected Councillor shall be filled at a casual election which shall be fixed by the election authority to take place as soon as may be after the occurrence of the vacancy:

Provided that no casual election shall be held to fill a vacancy occurring within three months before the ordinary date of retirement and that such vacancy shall be filled at the next ordinary election.

(6) A Councillor elected or appointed at a casual vacancy shall enter upon office forthwith, but shall hold office so long only as the Councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

Procedure when no Councillor is elected.

9. (1) If at an ordinary or casual election held under section 8 no Councillor is elected, a fresh election shall be held on such day as the election authority may fix.

(2) If at such fresh election no Councillor is elected the Council may, in the manner prescribed, elect a qualified person to fill the vacancy.

(3) The term of office of a Councillor elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election as the case may be.

No Councillor to receive remuneration.

10. No Chairman, Vice-Chairman or Councillor shall receive or be paid from the funds at the disposal of or under the control of the Council any salary or other remuneration for services rendered by him in any capacity whatsoever.

Explanation.— The words 'salary or other remuneration' in this section do not include such conveyance allowances to Chairman or travelling allowances as may be sanctioned by Government.

The Chairman and the Vice Chairman of the Municipalities.

11. (1) Every Council shall elect one of its members to be its Chairman.

(2) The Council shall elect one of its members other than the Chairman to be its Vice-Chairman.

(3) A Chairman shall be deemed to have vacated his office on the expiry of his term of office as a Councillor or on his otherwise ceasing to be a Councillor.

LIBRARY ARCHIVES Kerala Legislative Assembly

(4) A Vice-Chairman shall be deemed to have vacated his office—

(i) on the expiry of his term of office as a Councillor or on his otherwise ceasing to be a Councillor.

(ii) on his election as Chairman.

(5) When the office of Chairman is vacant the Vice-Chairman shall exercise the functions of the Chairman until a new Chairman assumes office.

(6) When the office of Chairman is vacant and there is either a vacancy in the office of Vice-Chairman or the Vice-Chairman has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, the Tahsildar of the Taluk shall, after giving notice of not less than seven clear days to the Councillors, convene a meeting for the election of a Chairman and until a new Chairman or Vice-Chairman is elected and assumes office, or the Vice-Chairman returns to jurisdiction or recovers from his incapacity as the case may be, the Tahsildar shall, notwithstanding anything contained in this Act or in the rules or notifications issued thereunder, be ex-officio member and Chairman of the Council.

(7) An out-going Chairman or Vice-Chairman is eligible for re-election.

Explanation.—A new Chairman or Vice-Chairman will be deemed to have assumed office on his being declared elected as such.

Procedure when no Chairman or Vice-Chairman is elected.

12. If at an election held under section 11 no Chairman or Vice-Chairman is elected, a fresh election shall be held.

Commissioner of the Municipality.

13. (1) Government may, if they think it necessary, appoint by notification a Commissioner for any Municipality. Every notification issued under this sub-section shall specify the reasons therefor.

(2) The Commissioner shall, save as otherwise provided in this Act hold office for a period of three years from the date of his appointment. An out-going Commissioner shall be eligible for reappointment if otherwise qualified.

(3) No person shall be appointed to be a Commissioner and no Commissioner shall continue to hold office as such, after he has attained the age of fifty-five.

(4) The Government may, at any time, remove the Commissioner from office and shall do so if such removal is recommended by a resolution of the Council passed at a special meeting

LIBRARY ARCHIVES Kerala Legislative Assembly

called for the purpose and supported by the votes of not less than two-thirds of the sanctioned strength of the Council.

(5) The Commissioner shall be a whole-time officer of the Municipality and shall not undertake any work unconnected with his office without the sanction of the Municipal Council and the Government.

(6) (a) The Commissioner shall be paid out of the Municipal fund such salary and allowances not exceeding rupees three hundred per mensem in the aggregate as Government may fix for each Municipality from time to time.

(b) If the Commissioner is an officer in the service of the Government, the Municipal Council shall pay to Government such contribution towards his leave allowances, pension and provident fund as may be payable under the C. S. R.

(7) Leave may be granted to the Commissioners by the Government. Whenever such leave is granted, the Government shall appoint some person to officiate in his office.

THE CHAIRMAN AND THE EXECUTIVE AUTHORITY.

14. The Chairman of the Municipal Council shall—

Functions of the Chairman.

(a) make arrangements for the election of the Vice-Chairman;

(b) convene the meetings of the Council; and

(c) perform all the duties and exercise all the powers specifically imposed or conferred on the Chairman by this Act.

15. The executive authority of the Municipal Council shall—

Functions of the executive authority.

(a) carry into effect the resolutions of the Council provided that when the executive authority think that any resolution is open to objection on the grounds mentioned in section 34, the executive authority may suspend the execution of the resolution and submit the case for orders of Government, who may then deal with the case under section 34. The executive authority shall be bound to give effect to every resolution of the Council unless such resolution is modified or suspended or cancelled by Government;

(b) furnish to the Council such periodical reports regarding the progress made in carrying out the resolutions of that body in the collection of taxes as the Council may direct;

LIBRARY ARCHIVES Kerala Legislative Assembly

and (c) perform all the duties and exercise all the powers specially imposed or conferred on the executive authority by this Act and subject, whenever it is hereinafter expressly so provided, to the sanction of the Council and subject to all other restrictions, limitations and conditions hereinafter imposed, exercise the executive power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purposes of this Act.

Rights of Chairman where a Commissioner has been appointed.

16. In the case of Municipalities having Commissioners the Chairman shall have full access to all the records of the Municipal Council and no official correspondence between the Council and the Government shall be conducted except through the Chairman. The Chairman shall be bound to transmit communications addressed through him by the Commissioner to the Government or by the Government to the Commissioner.

Chairman to be member of every Committee of the Council.

17. The Chairman shall, by virtue of his office, be a member of every Committee of the Council.

Emergency powers of executive authority.

18. The executive authority may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of the Council and the immediate execution or doing of which is in his opinion, necessary for the service or safety of the public and may direct that the expense of executing such work or doing such act shall be paid from the Municipal Fund:

Provided that—

(a) he shall not act under this section in contravention of any order of the Council prohibiting the execution of any particular act, and

(b) he shall report the action taken under this section and the reasons therefor to the Council at its next meeting.

Delegation and devolution of functions of Chairman.

19. (1) The Chairman may, by an order in writing, delegate any of his functions including his functions as executive authority if he is also the executive authority, to the Vice-Chairman:

Provided that he shall not delegate any functions which the Municipal Council expressly forbids him to delegate.

LIBRARY ARCHIVES Kerala Legislative Assembly

(2) If the Chairman has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, his functions including where he is also the executive authority his functions as such except those of promoting, withholding promotion from, reducing, removing or dismissing any Municipal officer or servant, shall, during such absence or incapacity, devolve on the Vice-Chairman:

Provided that where the absence from jurisdiction of the Chairman is within the Cochin State and is on business connected with the Municipality, the Chairman's functions shall not, except to the extent, if any, to which functions have been delegated by him under sub-section (1) devolve on the Vice-Chairman.

(3) If the Vice-Chairman also has been continuously absent from jurisdiction for more than fifteen days or is incapacitated or if the office of Vice-Chairman is vacant, the Chairman may, by an order in writing, delegate any of his functions including his functions as executive authority if he is also the executive authority, to any Councillor who shall be styled 'Chairman-delegate' during the period of delegation:

Provided that—

(i) when an order of delegation made under this sub-section is in force no further order of delegation of any functions shall be made in favour of any other than the Councillor in whose favour the order in force was made;

(ii) no delegation under this sub-section shall, without the special sanction of the Council, be made for any period exceeding in the aggregate ninety days in any year; and

(iii) every order made under this sub-section shall be communicated forthwith to the Council and the Diwan.

(4) Subject to any restrictions that the Council may impose, the Chairman may, where he is also the executive authority, by an order in writing, delegate any of his executive functions to any officer or servant of the Council or to any officer of Government.

(5) The exercise or discharge of any functions delegated under sub-sections (1), (3) and (4) shall be subject to such restrictions, limitations and conditions if any as may be laid down by the Chairman and shall also be subject to his control and revision. The Chairman shall also have power to control and revise the exercise or discharge of any functions devolving on the Vice-Chairman under sub-section (2).

LIBRARY ARCHIVES Kerala Legislative Assembly

Rights and duties of the Commissioner.

20. (1) (a) The Commissioner shall have the right to attend the meetings of the Council or any Committee thereof, and take part in the discussions thereat but shall not have the right, to move any resolution or to vote.

(b) He shall attend any meeting of the Council or an y Committee if required to do so by the Chairman.

(2) In the case of Municipalities having Commissioners, the officers and servants of the Municipal Council shall be subordinate to the Commissioner.

(3) Subject to any directions given or restrictions imposed by the Government, the Commissioner may, by order in writing, delegate any of his functions to any officer or servant of the Council or to any officer of Government. The exercise or discharge of any functions so delegated shall be subject to such restrictions, limitations and conditions as may be laid down by the Commissioner and shall also be subject to his control and revision.

THE COUNCIL.

Functions of the Council.

21. Subject to the provisions of this Act the Municipal Administration shall vest in the Council, but the Council shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to the Chairman or executive authority.

Duties and powers of individual Councillors.

22. (1) Any Councillor may call the attention of the executive authority to any neglect in the execution of Municipal work, to any waste of Municipal property, or to the wants of any locality and may suggest any improvements which may appear desirable.

(2) Every Councillor shall have the right to move resolutions and to interpellate the Chairman on matters connected with the Municipal Administration subject to such rules as may be framed by the Council.

(3) Every Councillor shall have access during office hours to the records of the Council after giving due notice to the executive authority provided that the executive authority may, in any particular case, for reasons given in writing, forbid such access.

Council's power to call for records.

23. The Council may, at any time, require the executive authority to produce any document which is in his custody. The executive authority shall comply with every such requisition

LIBRARY ARCHIVES Kerala Legislative Assembly

unless in his opinion immediate compliance therewith would be prejudicial to the interests of the Council or of the public, in which case he shall make a declaration in writing to that effect and shall, if required by the Council, refer the question to the Diwan whose decision shall be final.

Appointment of Committees.

24. A Council may constitute Committees for the purpose of exercising such powers discharging such duties or performing such functions as it may delegate to them; or may appoint individual Councillors or Committees to enquire into and report or advise on any matters which it may refer to them.

Appointment of special Committees.

25. (1) It shall be lawful for the Council from time to time by a resolution supported by not less than one half of the sanctioned strength of the Council to appoint as members of any Committee any persons who are not Councillors but who may, in the opinion of such Council, possess special qualifications for serving on such Committee. But the number of persons so appointed on any Committee shall not exceed one-third of the total number of members of such Committee. All the provisions of this Act relating to the duties, powers, liabilities and disqualifications and disabilities of Councillors shall, save as regards the disqualification on the ground of residence, be applicable, so far as may be, to such persons.

(2) (a) A Council may and if so required by Government shall, join with one, or more than one, other local authority in constituting a joint Committee for any purpose in which they are jointly interested or for any matter for which they are jointly responsible.

(b) A joint Committee may include persons who are not members of the local authorities concerned but who may, in their opinion, possess special qualifications or special interest for serving on such Committee:

Provided that the number of such persons shall not exceed one-third of the total number of members of the joint Committee.

(c) The constitution of a joint Committee shall be by means of rules which shall not except in the cases referred to in sub-clauses (f) and (g), have effect unless assented to by each of the local authorities concerned.

(d) The rules shall determine:—

(i) the total number of members of the joint Committee;

LIBRARY ARCHIVES Kerala Legislative Assembly

(ii) the number who shall be members of the local authorities concerned and the number who may be outsiders;

(iii) the persons who shall be members of the joint Committee or the manner in which they shall be elected or appointed;

(iv) the person who shall be Chairman of the joint Committee or the manner in which he shall be elected or appointed;

(v) the term of office of members and Chairman;

(vi) the powers being powers exercisable by one or more of the local authorities concerned, which may be exercised by the joint Committee; and

(vii) the procedure of the joint Committee.

(e) Rules made under sub-clauses (c) and (d) may be varied or revoked provided that all the local authorities concerned assent to such variation or revocation.

(f) If the Government take action under sub-clause (a) they may issue such directions as they think necessary or desirable in respect of all or any of the matters referred to in sub-clauses (c) and (d).

(g) If any difference of opinion arises between local authorities under any of the foregoing provisions of this section, it shall be referred to Government whose decision shall be final.

Rules and Acts for proceedings of Council.

26. The Council with the approval of Government may, after previous publication, make by-laws not inconsistent with this Act or with any rules framed by the Government in regard to the following matters:—

(a) The time and place of the meetings of the Council.

(b) The manner in which notice thereof shall be given.

(c) The preservation of order and the conduct of proceedings at meetings, and the powers which the Chairman may exercise for the purpose of enforcing his decisions on points of order.

(d) The suspension of Councillors for a period not exceeding one moth.

(e) The division of duties among the members of the Council.

(f) The constitution and procedure of Committees.

(g) The delegation of its powers, duties or functions.—

LIBRARY ARCHIVES Kerala Legislative Assembly

(i) to the Chairman, a Councillor, an officer or servant of the Council or an officer of Government, or

(ii) to a Committee constituted under clause (f) or to its Chairman or to any one or more of its members.

(h) The interpellations of the Chairman by the Councillors on matters connected with the Municipal Administration.

(i) All other similar matters.

Notification of election.

27. All elections of Chairman, Vice-Chairman and members of Municipal Councils shall be notified in the Cochin Government Gazette.

Presidency of Council.

28. (1) Every meeting of the Council shall be presided over by the Chairman, in his absence by the Vice-Chairman; and in the absence of both the Chairman and the Vice-Chairman by a Councillor chosen by the meeting to preside for the occasion.

(2) The Chairman shall preserve order and shall decide all points of order arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the Chairman on any point of order shall, save as is otherwise expressly provided in this Act, be final.

(3) A Vice-Chairman or Councillor presiding for the occasion shall, for that meeting, and during the period that he presides over it have all the powers of the Chairman.

Councillor when to abstain from taking part in discussion and voting.

29. (1) No Councillor shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the Council or any Committee, if the question is one in which, apart from its general application to the public he has any direct or indirect pecuniary interest by himself or his partner.

(2) The Chairman may prohibit any Councillor from voting or taking part in the discussion of any matter in which he believes such Councillor to have such interest or he may require such Councillor to absent himself during the discussion.

(3) Such Councillor may challenge the decision of the Chairman, who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the Chairman is believed by any Councillor present at the meeting to have any such pecuniary interest in any matter under discussion, he may, if a motion to that effect be carried,

LIBRARY ARCHIVES Kerala Legislative Assembly

be required to absent himself from the meeting during such discussion.

(5) The Councillor concerned shall not be entitled to vote on the question referred to in sub-section (3) and the Chairman concerned shall not be entitled to vote on the motion referred to in sub-section (4).

Explanation.—Chairman in this section includes a Vice-Chairman or Councillor presiding for the occasion.

Power of Chairman, Vice-Chairman or Councillor to resign.

30. (1) Any Councillor other than the Chairman and any Vice-Chairman may resign his office by giving notice to the Chairman, the Chairman may resign by giving notice to the Council. Such resignation shall take effect in the case of a Councillor or Vice-Chairman from the date on which it is received by the Chairman and in the case of a Chairman from the date on which it is placed before a meeting of the Council.

(2) Any person holding a salaried office under Government who is a Councillor of any Municipality shall, on being transferred permanently or temporarily from the Municipality or on quitting the Municipality with the intention of remaining absent therefrom for more than three months be deemed to have vacated his office of Councillor.

Act of Municipal Council, etc., not to be invalidated by informality, etc.

31. No act of a Municipal Council or of a Committee thereof or of any person acting as Chairman, Vice-Chairman or member of the Municipal Council or Committee shall be deemed to be invalid by reason only of a defect in the establishment of the Municipality or Committee or on the ground that the Chairman, Vice-Chairman or any member of the Council or Committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election or appointment or by reason of such act having been done during the period of any vacancy in the office of Chairman, Vice-Chairman or member of the Council or Committee.

ADMINISTRATION REPORT.

Annual Administration Report.

32. (1) As soon as may be after the first day of Kanni in every year and not later than such date as may be fixed by the Government the Municipal Council shall submit to the Government a report on the administration during the preceding

LIBRARY ARCHIVES Kerala Legislative Assembly

year in such form and with such details as the Government may direct.

(2) The executive authority shall prepare the report; the Municipal Council shall consider his report and forward it to the Government with its resolutions thereon, if any.

(3) The report and the resolutions thereon, if any, shall be published in such manner as the Council, subject to the approval of the Government, may direct.

THE GOVERNMENT.

33. The Government may—

Power of Government for purposes of control.

(a) call for any document in the possession or under the control of any Council or executive authority;

(b) require any executive authority or Council to furnish any return, plan, estimate or statement, account or statistics;

(c) require any executive authority or Council to furnish any information or report on any Municipal matter;

(d) record in writing for the consideration of any executive authority or Council any observations in regard to Municipal matters.

34. (1) The Government may, by order in writing—

Power to suspend action under the Act.

(i) suspend or cancel any resolution passed, order issued, or license or permission granted; or

(ii) prohibit the doing of any act which is about to be done or is being done in pursuance or under colour of this Act if in their opinion—

(a) such resolution, order, license, permission, or act has not been legally passed, issued, granted or authorised, or

(b) such resolution, order, license, permission, or act is in excess of the powers conferred by this Act or any other law, or

(c) the execution of such resolution or order, the continuance in force of such license or permission or the doing

LIBRARY ARCHIVES Kerala Legislative Assembly

of such act is likely to cause obstruction, injury or annoyance to any person lawfully employed or danger to human life, health or safety or is likely to lead to a riot or an affray:

Provided that the Government shall, before taking action under this section or any of the grounds referred to in clauses (a) and (b) give the authority or person concerned an opportunity for explanation.

(2) If, in the opinion of the executive authority, immediate action is necessary on any of the grounds referred to in clause (c) of sub-section (1), the executive authority may suspend the resolution, order, license, permission or act as the case may be and report to Government who may thereupon either rescind the order of the executive authority or after giving the authority or person concerned passing such resolution or order, issuing such license or permission or doing such act, a reasonable opportunity of explanation, direct that it continue in force with or without modification permanently or for such period as they think fit.

Power to authorise any officer in case of emergency to execute any work or to do any act.

35. (1) The Government may, in cases of emergency, direct or provide for the execution of any work, or the doing of any act which the Council or executive authority is empowered to execute or to do, and the immediate execution or the doing of which is, in their opinion, necessary for the safety of the public and may direct that the expense of executing such work or doing such act incurred as the emergency may require, shall be paid from the Municipal fund.

(2) If the expense is not so paid, the Diwan may direct the person having the custody of the Municipal fund to pay it in priority to any other charge against the fund.

(3) Such person shall, as far as the funds to the credit of the Municipal Council admit, be bound to comply with such direction.

Power to supervise Municipalities.

36. (1) The Government may appoint such officers as may be required for the purpose of inspecting or superintending the operations of all or any of the Municipal Councils under this Act.

(2) All institutions maintained by any Municipal Council and all documents relating thereto shall at all times be open to inspection of such officers as the Government may appoint in that behalf.

LIBRARY ARCHIVES Kerala Legislative Assembly

(3) Municipal authorities and Municipal officers and servants shall be bound to afford to inspecting and superintending officers of Government appointed under this section such access at all reasonable times to Municipal property or premises and to all documents which they may consider to be necessary to enable them to discharge their duties of inspection or superintendence.

(4) The Director of Public Health shall be the statutory Health Inspector of all Municipalities, concerning all matters relating to Public Health that are referred to in Part IV of this Act. He shall have access to such Municipal property or premises and shall be entitled, subject to and rules that may be framed by the Government for his guidance, to inspect such registers, books, accounts and other documents and to require such information as he may consider necessary to enable him to discharge his duties as statutory Inspector. Such recommendations as may be made by him in connection with the matters referred to in Part IV of the Act shall be carried out by the Municipal Council concerned so far as possible and in cases where the Municipal Council disagrees with such recommendations or finds itself unable to carry them into effect that fact shall be promptly reported by the Municipal Council to the Government whose orders on the matter shall be final.

Power to undertake works for or to take action in default of a Municipality.

37.1) If at any time it appears to the Government that a Municipal Council, Chairman or executive authority has made default in performing any duty imposed by or under this or any other Act, they may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the Government may appoint some person to perform it and may direct that the expense of performing it shall be paid by the Municipal Council.

(3) The Government may, with the consent of the Municipal Council, undertake on its behalf the construction of water supply, drainage or other works, appoint persons to carry out the construction of such works, and direct that the expense including the pay of such persons be paid from the Municipal fund.

(4) If expenses which the Government have directed under sub-section (2) or (3) to be paid from the Municipal fund,

LIBRARY ARCHIVES Kerala Legislative Assembly

are not so paid, the Diwan may direct the person having the custody of the Municipal fund to pay it in priority to any other charge against such fund except charges for the service of authorised loans.

(5) Such person shall so far as the funds to the credit of the Municipal Council admit, be bound to comply with such direction.

Power to remove Chairman or Vice-Chairman.

38. (1) The Government may, by notification, remove any Chairman or Vice-Chairman if he, without an excuse sufficient in the opinion of the Government, omits or refuses to carry out any resolution of the Municipal Council or disobeys the provisions of this Act or any rules, by-laws, acts or lawful orders issued thereunder or abuses the powers vested in him.

(2) The Government shall when they propose to take action under sub-section (1) give the Chairman or Vice-Chairman concerned an opportunity for explanation and the notification issued under the said sub-section shall contain a statement of the reasons of the Government for the action taken.

(3) The Government may determine a period during which a Chairman or Vice-Chairman removed under sub-section (1) shall not be eligible for re-election.

Power to remove Councillor.

39. (1) The Government may, by notification, remove any Councillor —

(a) if at any time of his election or appointment he was not qualified to be or was disqualified from being elected or appointed Councillor, or

(b) if he has been dealt with under the Cochin Insolvency Act or convicted of any such offence or subjected by a Criminal Court to any such order as implies in the opinion of the Government a defect of character which renders him unfit to hold his office,

(c) if he has been dismissed from the public service or has been debarred from practising as a lawyer or a medical man by order of competent authority,

(d) if he refuses to act or becomes incapable of acting or

(e) if he without an excuse sufficient in the opinion of the Council neglects for more than three consecutive months to be present at the meetings of the Municipal Council, or

LIBRARY ARCHIVES Kerala Legislative Assembly

(f) if in the opinion of the Government, his conduct after entering office has been such as to endanger the public peace or order or to bring the Municipal Administration into contempt.

(2) When the Government propose to take action under this section they shall give the Councillor concerned an opportunity of explanation and shall record the reasons for any action taken.

(3) The Government may determine a period during which a Councillor removed under clause (f) shall not be eligible for re-election or re-appointment.

Motion of no confidence in Chairman or Vice-Chairman.

40. (1) Subject to the provisions of this section, a motion expressing want of confidence in the Chairman or in the Vice-Chairman may be made in accordance with the procedure laid down herein.

(2) Written notice of intention to make the motion, in such form as may be fixed by the Government, signed by such number of Councillors as shall constitute not less than one-half of the sanctioned strength of the Council, together with a copy of the motion which is proposed to be made, shall be delivered by any two of the Councillors giving the notice in person together, to the Tahsildar of the Taluk.

(3) The Tahsildar shall then convene a meeting for the consideration of the motion, to be held at the Municipal Office, at a time appointed by him which shall not be later than thirty days from the date on which the notice under sub-section (2) was delivered to him. He shall give to the Councillors notice of not less than fifteen clear days of such meeting and of the time appointed therefor.

(4) The Tahsildar shall preside at the meeting convened under this section, and no other person shall preside thereat. If within half an hour after the time appointed for the meeting the Tahsildar is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the Councillors by the Tahsildar under sub-section (5).

(5) If the Tahsildar is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (3). Notice of not less than seven clear days shall be given to the Councillors of the time appointed for the adjourned meeting.

LIBRARY ARCHIVES Kerala Legislative Assembly

(6) Save as provided in sub-sections (4) and (5) a meeting convened for the purpose of considering a motion under this section, shall not, for any reason, be adjourned.

(7) As soon as the meeting convened under this section has commenced, the Tahsildar shall read to the Council the motion for the consideration of which it has been convened, and declare it to be open for debate.

(8) No debate on any motion under this section shall be adjourned.

(9) Such debate shall automatically terminate on the expiry of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier. Upon the conclusion of the debate or upon the expiry of the said period of two hours, as the case may be, the motion shall be put to the vote of the Council.

(10) The Tahsildar shall not speak on the merits of the motion, nor shall he be entitled to vote thereon.

(11) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall forthwith on the termination of the meeting be forwarded by the Tahsildar to the Government.

(12) If the motion is carried with the support of not less than three-fifths of the sanctioned strength of the Council, the Government shall, by notification, remove the Chairman or Vice-Chairman as the case may be.

(13) If the motion is not carried by such a majority as aforesaid, or if the meeting cannot be held for want of a quorum, no notice of any subsequent motion expressing want of confidence in the same Chairman or Vice-Chairman shall be received until after the expiry of six months from the date of the meeting.

(14) No notice of a motion under this section shall be received within six months of the assumption of office by a Chairman or Vice-Chairman as the case may be.

Government's power to dissolve or supersede Council.

41. (1) If, in their opinion, a Council is not competent to perform or persistently makes default in performing the duties imposed on it by law, or exceeds or abuses its powers the Government may, by notification, direct that the Council be dissolved and reconstituted on such dates as the Government may fix in that behalf; or they may, if they think necessary, supersede the Council for a specified period not

LIBRARY ARCHIVES Kerala Legislative Assembly

exceeding two years. Such notifications shall be laid on the table of the Legislative Council:

Provided as follows:—

(a) for the purpose of completing the elections to a Council which has been dissolved, the Government may, in their discretion, from time to time, extend the time fixed by them under this sub-section for its reconstitution; and

(b) the Government shall not supersede a portion only of the Municipal Council.

(2) Before publishing a notification under sub-section (1), the Government shall communicate to the Council concerned the grounds on which they propose to do so, fix a reasonable period for the Council to show cause against the proposal and consider its explanations and objections, if any:

Provided that where a Council has disobeyed any order issued under section 34, the Government shall not be bound to follow the procedure laid down in this sub-section.

(3) On the date fixed for the dissolution of the Council under sub-section (1), all its members as well as its Chairman and Vice-Chairman, shall forthwith be deemed to have vacated their offices and fresh elections shall be held in accordance with the provisions of this Act. The newly elected Councillors shall enter upon their offices on the date fixed for the reconstitution of the Council.

(4) Supersession shall take effect from the noon on the date of publication of the notification, if no date is therein specified, and thereupon the following consequences shall ensue:

(a) all the members of the Council as well as its Chairman and Vice-Chairman shall forthwith be deemed to have vacated their offices;

(b) all or any of the functions of the Council and of its Chairman including where the Chairman is also the executive authority his function as such, may, during the period of supersession, be exercised and performed as far as may be, and to such extent as the Government may determine, by such persons as the Government appoint in that behalf and any such person who is not a Tahsildar may, if the Government so direct, receive payment for his services from the Municipal fund; the Government may determine the relations of such person with other Municipal authorities and with themselves; and where there is a Commissioner, the Government may direct him to exercise or perform any of the powers and duties of the Council in addition to his own.

LIBRARY ARCHIVES Kerala Legislative Assembly

(5) On or before the expiry of the period of supersession notified under sub-section (1), the Government may, by notification, for reasons to be stated in the notification, postpone, the reconstitution of the Council for a further period not exceeding six months, or notwithstanding anything contained in proviso (a) to sub-section (1) of section 5, withdraw the area of the Municipality from the operation of this Act under that section.

(6) The Government may reconstitute the Council before the expiry of the period notified under sub-section (1), or sub-section (5).

(7) When a Council is dissolved or superseded under this section, the Government until the date of the reconstitution thereof and the reconstituted Council thereafter, shall be entitled to all the assets and be subject to all the liabilities as on the date of the dissolution or supersession and on the date of the reconstitution respectively.

Powers of officers acting for, or in default of, Municipal Council and liability of Municipal fund.

42. When any person appointed by Government lawfully takes action on behalf or in default of the Municipal Council under this Act he shall have all such powers as are necessary for the purpose, and shall be entitled to the same protection under this Act as the Municipal authority whose powers he is exercising and compensation shall be recoverable from the Municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such Municipal authority.

The rate payers.

43. (1) Meetings of the Council shall be open to the public, unless in any special case the house resolves otherwise. Every Council shall as far as possible provide facilities for visitors to attend meetings and for Press reporters to report the proceedings.

(2) Any rate payer or association of rate payers shall be entitled to inspect the minute book in which the proceedings of the Council are recorded, the assessment registers, and the accounts of revenue and expenditure of the Municipality on payment of a fee in each case of Re. 1.

CHAPTER IV—ELECTION OF COUNCILLORS.

Election of Municipal Councillors.

44. (1) For the purposes of election of Councillors to a Municipal Council, the Government after consulting the Council may, by notification—

LIBRARY ARCHIVES Kerala Legislative Assembly

(a) divide the Municipality into wards; and

(b) determine the number of elective seats for each ward.

(2) When issuing under sub-section (1) a notification which materially alters the existing division of a Municipality into wards, the Government may direct that the alteration shall take effect from the date of the next ordinary elections.

(3) When the number of Councillors to be returned by a ward is altered or when a new ward is formed or when an existing ward is abolished, the election authority shall, with the approval of the Government determine —

(a) the ward which each Councillor then on the Council shall be deemed to represent; and

(b) the ward or wards in which elections shall be held to fill up the vacancies, if any, in the Council.

Publication of electoral roll.

45. (1) An electoral roll for every Municipality showing the names of persons qualified to vote therein shall be prepared and published by the election authority in the manner prescribed, before the end of Karkadagam of the year preceding that in which the ordinary vacancies are to occur.

(2) The roll so prepared and published shall be revised and a list of amendments and corrections thereto shall in like manner be prepared and published by the election authority before the end of Karkadagam of every year. And

(3) When a Municipality has been divided into wards the electoral roll shall be divided into separate lists for each ward.

(4) The electoral roll published in any year shall remain as revised by the list of amendments and corrections, if any, in force till the publication of a fresh electoral roll.

(5) Every person whose name appears in the electoral roll as so revised shall so long as it remains in force be entitled to vote at an election; and no person whose name does not appear in such roll shall vote at an election.

Qualification for voting.

46. (1) No person shall be included in the electoral roll as qualified to vote unless—

(a) he is the subject to the State of Cochin or of British India or of a State in India other than Cochin, provided that

LIBRARY ARCHIVES Kerala Legislative Assembly

the Government may exclude from the scope of this restriction any alien or class of aliens;

(b) he has attained the age of 21 years in the year preceding that in which the electoral roll is published;

(c) he has been assessed in such preceding year to any tax payable to Government or to the Municipal Council except tax on dogs; and

(d) he has resided in the Municipality for one hundred and twenty days in the agregate in such preceding year.

(2) If a company or association or the members of a family jointly or joint pattadars has or have been assessed to any tax, the company or association or the family or joint pattadars shall be treated as possessing the qualification, and the person entitled to be registered in the electoral roll shall be the Secretary of the Company or Association or some other person duly authorised in that behalf or the member authorised by a majority of the family or of the joint pattadars or, in the case of a joint Hindu family, either a member so authorised or in default of such authorisation the manager thereof.

(3) A person may be qualified either in his personal capacity or in the capacity of a representative of a company or association or of a joint family or of joint pattadars, but not in both capacities.

(4) Save as provided in sub-section (2) no person shall be qualified as an elector unless he possesses the necessary qualifications in his personal capacity.

Disqualifications of voters.

47. Notwithstanding anything contained in sub-section (5) of section 45 a person who is of unsound mind, a deaf-mute or a leper shall not be entitled to vote at any election to a Municipal Council.

Qualification of candidates for membership of Council.

48. (1) No person shall be qualified for election as a Councillor unless the name of such person appears on the electoral roll of the Municipality.

(2) No officer of Government and no teacher in an aided school shall be qualified for election as a Councillor.

Disqualification of candidates.

49. (1) A person who has been sentenced by a criminal court to imprisonment for a period of more than six months for any offence other than an offence of a political character or an offence not involving moral delinquency (such sentence not

LIBRARY ARCHIVES Kerala Legislative Assembly

having been reversed or the offence pardoned) shall be disqualified for election as a Councillor while undergoing the sentence and for five years from the date of the expiration of the sentence.

(2) A person shall be disqualified for election as a Councillor if such person is at the date of nomination, or election.

(a) of unsound mind, a deaf-mute or a leper;

(b) an applicant to be adjudicated a bankrupt or insolvent or an uncertificated bankrupt or undischarged insolvent;

(c) interested in a subsisting contract made with, or any work being done for the Municipal Council except as a shareholder (other than a director) in a company:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in--

(i) any lease, sale or purchase of immovable property or any agreement for the same; or

(ii) any agreement for the loan of money or any security for the payment of money only; or

(iii) any newspaper in which any advertisement relating to the affairs of the Council is inserted; or

(iv) the sale to the Council of any articles in which he regularly trades, or the purchase from the Council of any articles to a value in either case not exceeding fifteen hundred rupees in the aggregate in any year during the period of the contract or work;

(d) employed as paid legal practitioner on behalf of the Council or as legal practitioner against the Council;

(e) an officer or servant holding office under this Act; or an honorary Magistrate for the Municipal town;

(f) already a Councillor whose term of office as such will not expire before his fresh election can take effect; or has already been elected a Councillor whose term of office has not yet commenced; or

(g) the servant or employer or the official subordinate or official superior of a Councillor holding office on the said date.

(3) Notwithstanding anything contained in sub-section (1) the Government may direct that such sentence shall not operate as a disqualification.

Disqualification of Councillors.

50. (1) Subject to the provisions of section 51, a Councillor shall cease to hold his office, if he—

LIBRARY ARCHIVES Kerala Legislative Assembly

(a) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 49;

(b) becomes of unsound mind, a deaf-mute, or a leper;

(c) applies to be adjudicated, or is adjudicated a bankrupt or insolvent;

(d) subject to the proviso to clause (c) of sub-section (2) of section 49 acquires any interest in any subsisting contract made with, or work being done, for the Council except as a share-holder (other than a director) in a company;

(e) is employed as paid legal practitioner on behalf of the Council or accepts employment as legal practitioner against the Council;

(f) is appointed as an officer or servant under this Act or as an honorary Magistrate for the Municipal town;

(g) accepts employment under (or becomes the official subordinate of) any other Councillor;

(h) ceases to reside in the Municipality or within two miles thereof; or

(i) absents himself from the meetings of the Council for a period of three consecutive months reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, or of his restoration to office as Councillor under sub-section (3), as the case may be, or if within the said period, less than three meetings have been held, absents himself from three consecutive meetings held after the said dates:

Provided that no meeting from which a Councillor absents himself shall be counted against him under this clause, if due notice of that meeting was not given to him.

(2) Notwithstanding anything contained in clause (a), of sub-section (1) the Government may direct that such sentence shall not operate as a disqualification.

(3) Where a person ceases to be a Councillor under clause (a) of sub-section (1), or under section 53 he shall be restored to office for such portion of the period for which he was elected as may remain unexpired at the date of such restoration, if and when the sentence is annulled on appeal or revision or the disqualification caused by the sentence is removed by an order of the Government. And any person elected to fill the vacancy in the interim shall on such restoration vacate office.

(4) Where a person ceases to be a Councillor under clause (i) of sub-section (1), the executive authority shall at once

LIBRARY ARCHIVES Kerala Legislative Assembly

intimate the fact in writing to such person and report the same to the Council at its next meeting. If such person applies for restoration *suo moto* to the Council on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the Council may at the meeting next after the receipt of such application restore him to his office of Councillor:

Provided that a Councillor shall not be so restored more than twice during his term of office.

Decision on questions of disqualifications of Councillors by District Judge.

51. (1) Whenever it is alleged that any person who has been elected as a Councillor is disqualified under sub-section (1) of section 48, 49, 50 or 53 and such person does not admit the allegation or whenever any Councillor is himself in doubt whether or not he has become disqualified for office under section 50 or section 53 such Councillor or any other Councillor may and the executive authority, at the request of the Council, shall, apply to the District Judge of the district in which the Municipality is situated.

(2) The said Judge, after making such inquiry as he deems necessary, shall determine whether, or not such person is disqualified under sub-section (1) of section 48, 49, 50 or 53 and his decision shall be final.

(3) Pending such decision the person shall be deemed to be qualified.

ELECTION OFFENCES.

Infringement of secrecy of election.

52. Every polling officer, clerk or other person in attendance at the polling room, who except for some purpose authorised by law, communicates to any person any information showing directly or indirectly for which candidate any voter has voted and every person who, by any improper means procures any such information, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Disqualifications of persons convicted of election offences.

53. Every person convicted of an offence punishable under section 52 or under Chapter VIII-A of the Cochin Penal Code shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of Municipal Chairman, Vice-Chairman or councillor for a period of five years from the date of his conviction or for such shorter period as the court may, by order, determine.

LIBRARY ARCHIVES Kerala Legislative Assembly

CHAPTER V.—POWERS OF MUNICIPAL AUTHORITIES IN RESPECT OF PROPERTY, CONTRACTS, ESTABLISHMENT.

PROPERTY.

Vesting of public streets and appurtenances in the Municipal Council.

54. (1) All public streets in any Municipality, with the pavements, stones and other materials thereof and all works, materials and other things provided for such streets, all sewers, drains, drainage works, tunnels and culverts whether made at the cost of the Municipal fund or otherwise, in alongside or under any streets, whether public or private, and all works, materials and things appurtaining thereto shall vest in the Municipal Council.

(2) The Government may, by notification, withdraw any such street, sewer, drain, drainage work, tunnel or culvert from the control of the Council.

(3) It shall be competent for Government to resume from time to time by notification any property,, transferred by Government to the Councils under section 103 (2) (e) of Act I of 1085, or to lay down such terms as to their management as Government may determine :

Provided that resumption cannot be effected without payment of the cost or present value, whichever is less, of any buildings erected or other works executed on the property by the Municipal Council.

Collected sewages, etc., to belong to Municipal Council.

55. All rubbish and filth and other matter collected by a Municipal Council under this Act shall belong to the Council.

Inventory of Municipal property.

56. (1) The executive authority shall maintain an inventory of all immovable property owned by the Municipal Council or to which the Council has a reversionary right.

(2) A copy of the said inventory shall be deposited in the office of the Superintendent of Survey and Land Records and all changes shall be forthwith communicated to the said officer.

Limitation of power to accept property in trust.

57. The Council may with the sanction of Government, accept trusts relating exclusively to the furtherance of any purpose to which the Municipal fund may be applied.

LIBRARY ARCHIVES Kerala Legislative Assembly

58. The Government may, with the consent of a Municipal Council, transfer to the Council the management of any institution or the execution of any work not provided for by this Act and it shall thereupon be lawful for the Council to undertake such management or execution:

Objects not provided for by this Act.

Provided that in every such case the funds required for such management or execution shall be placed at the disposal of the Council by the Government.

59. Any immovable property which any Municipal authority desires to acquire for the purpose of this Act may be acquired under the provisions of the Land Acquisition Act and on payment of the compensation awarded under the said Act in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the Council.

Procedure for acquisition of immovable property.

CONTRACTS.

60. (1) The Municipal Council shall be competent to make on its behalf, or may delegate to the Chairman or a Committee consisting of two or more members of the Council the power of making on its behalf any contract whereof the value or amount does not exceed two thousand rupees :

Delegation of authority to contract and contractual powers of persons appointed by Government.

Provided that in the case of Municipalities having Commissioners the power of making on behalf of the Council all contracts whereof the value or amount does not exceed two thousand rupees shall be exercised by a Committee consisting of the Chairman, the Commissioner and one member of the Council elected by it ; and the Council shall not exercise or delegate the power of making such contracts :

Provided further that with regard to contracts above one thousand rupees and below two thousand rupees none but the lowest tender may be accepted without obtaining the sanction of the Diwan.

(2) In respect of a contract whereof the value or amount exceeds two thousand rupees, the sanction of the Diwan should be obtained before the same is made.

(3) Notwithstanding anything contained in the two preceding sub-sections any person appointed by Government to carry any work into execution on behalf of a Municipal Council may, subject to such control as the Government may prescribe,

LIBRARY ARCHIVES Kerala Legislative Assembly

make such contracts as are necessary, for the purpose of carrying such work into execution, to the extent of the sum provided for such work and the Municipal Council shall pay to the person so appointed such sums as may be required for the said purpose to the extent aforesaid.

(4) Every contract made by or on behalf of, a Council, whereof the value or amount exceeds one hundred rupees shall be in writing and except in the case of contracts made under sub-section (3) shall be signed by two Municipal Councillors and also by the Commissioner if there is a Commissioner appointed for the Municipality.

(5) A contract executed or made otherwise than in conformity with the provisions of this section shall not be binding on the Municipal Council.

ESTABLISHMENT.

Power to fix the number and salaries of servants.

61. The Council may, from time to time, with the sanction of Government previously obtained in each case, fix or alter the number, designation and grade of its officers or servants and the salaries, fees and allowances payable to them :

Provided that the Government shall always have power to fix, alter the number, designation and grades of, and the salaries, fees and allowances payable to, the officers and servants of any Municipal Council, or any class of such officers and servants.

Appointment of officers, servants other than the Commissioner, the Health Officer and the Engineer.

62. The appointment of such officers and servants as shall have been provided in the manner aforesaid shall be made by the Government the Council or the Chairman as the case may be under such rules as may be framed by the Government from time to time.

Appointment of Municipal Health Officer and Municipal Engineer.

63. (1) Any Municipal Council by special resolution and with the approval of Government may, and every Council which during three consecutive years has realised an income of one hundred thousand rupees from ordinary receipts shall, if so required by Government, sanction a post of Municipal Health Officer and a post of Municipal Engineer.

(2) The salaries of these officers shall be fixed by the Municipal Council subject to the approval of Government.

LIBRARY ARCHIVES Kerala Legislative Assembly

(3) These officers shall devote their whole time to the duties of their offices and shall not engage in any other profession, trade or business ;

Provided that

(1) on the occurrence of a vacancy in, or after the creation of, an office of health officer or Engineer an appointment shall be made thereto by the Council subject to the approval of Government within four months from the date on which the vacancy occurred or the office was created or, in the event of any appointment so made by the Council not being confirmed by Government, within thirty days of the date of the receipt by the Council of the orders of Government;

(2) in default of an appointment being made by the Council as aforesaid, Government may appoint a person to hold the office, and such appointment shall for all purposes, be deemed to have been made by the Municipal Council;

(3) pending the settlement of an appointment under proviso (1) or (2) the Municipal Council may appoint a person to hold the office, temporarily and may direct that the person so appointed shall receive such salary not exceeding the sanctioned salary of the post as it shall think fit;

(4) no such officer shall be removed from office except with the consent of Government. Such consent shall be given if the removal is recommended by a resolution of the Council passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the sanctioned strength of the Council.

Punishment of servants.

64. The officers and servants appointed under section 62 may be fined, suspended, reduced or dismissed under such rules as may be framed by the Government from time to time.

Power of Council to frame Service Act.

65. The Council may frame Acts in respect of officers and servants on the Municipal staff—

(a) fixing the amount and nature of the security to be furnished;

(b) prescribing educational or other qualifications;

(c) regulating the grant of leave, leave allowances, acting allowances and travelling allowances;

(d) regulating the grant of pensions and gratuities;

LIBRARY ARCHIVES Kerala Legislative Assembly

(e) establishing and maintaining Provident Fund and making contribution thereto compulsory;

(f) regulating conduct, and

(g) generally prescribing conditions of service.

Provided that every Act framed shall require the sanction of the Government and shall not be repugnant to any rules framed in this behalf by the Government.

Special provisions regarding Government servants lent to Council.

66. (1) Government may, on application of any Municipal Council, place the services of any Government servant at the disposal of the Council to be employed by it for the purposes of this Act. The Council shall pay any Government servant so employed the salary he may be entitled to receive from time to time if he had been under Government service and also pay the Government such contribution towards the pension and leave allowances of such servant as may be payable under the Acts in that behalf for the time being.

(2) If such servant, while employed by the Municipal Council or if any other servant of the Council does any work for Government, the Government shall contribute to the Municipal fund so much of the salary of such servant as the Government may consider to be an equivalent for such work.

(3) No Government servant employed by the Municipal Council under this section shall be dismissed from such employment without the consent of Government.

(4) No Government servant employed by the Municipal Council shall, except in cases of emergency, be withdrawn from service without the consent of the Municipal Council, unless and until Government shall have given three months' notice in writing to that effect to the Municipal Council, or unless some other Government servant has been deputed to replace the one withdrawn.

(5) Government servants employed by Municipal Councils shall be entitled to leave and other privileges in accordance with the Acts for the time being in force under Government.

LIBRARY ARCHIVES Kerala Legislative Assembly

PART III.

CHAPTER VI.—TAXATION AND FINANCE.

67. (1) Every Municipal Council may levy—

Enumeration of ordinary taxes and power of control of Government.

(a) a property tax
(b) a tax on companies
(c) a profession tax
(d) a tax on carriages and animals
(e) a tax on carts
(f) tolls on vehicles and animals entering the Municipality.

Provided that no tax under clause (b) or (c) shall be levied on any co-operative society registered under the Cochin Co-operative Societies Act.

(2) Any resolution of a Municipal Council determining to levy a tax or toll shall specify the rate at which any such tax or toll shall be levied and the date from which it shall be levied:

Provided that before passing a resolution imposing a tax or toll for the first time in the Municipality or increasing the rate of an existing tax or toll, the Council shall publish a notice in the Government Gazette of their intention, fix a reasonable period not being less than one month for submission of objections and consider objections, if any, received within the period specified:

Provided also that no resolution abolishing an existing tax or toll or reducing the rate at which a tax or toll is levied shall be carried into effect without the sanction of the Government:

Provided also that where any resolution under this section has taken effect for a particular year, no proposals to alter the rates or date fixed in such resolution so far as that year is concerned shall be taken into consideration by the Council.

68. When a Municipal Council shall have determined subject to the provisions of section 67 to levy any tax or toll for the first time or at a new rate, the executive authority shall forthwith publish by a notification in the Government Gazette and by beat of drum, specifying the rate at which, the date from which and the period of levy, if any, for which such tax or toll shall be levied.

Notification of new taxes and tolls.

LIBRARY ARCHIVES Kerala Legislative Assembly

THE PROPERTY TAX.

Description and classes of Property Tax.

69. (1) The property tax which shall be levied at a consolidated rate on all buildings and lands within Municipal limits save those exempted by or under this Act or any other law, shall comprise a tax for general purposes and may also comprise—

(a) a water and drainage tax to provide for expenses connected with the construction, maintenance, repair, extension or improvement of water or drainage works heretobefore provided or hereafter to be provided;

(b) a lighting tax to provide for expenses connected with the lighting of the Municipality by gas or electricity;

(c) a scavenging tax to provide for expenses connected with the removal of rubbish, filth or the carcasses of animals from private premises.

(2) The tax for general purposes, the water and the drainage tax, the lighting tax and the scavenging tax shall, save as otherwise provided in this Act, be levied at such percentages of the annual value of all lands or buildings or both as may be considered by the Municipal Council sufficient to provide for the expenses which the taxes are intended to meet. Without the special sanction of Government, however, no Council shall depart from the following minima and maxima:—

	Minimum.	Maximum.
Tax for general purposes	4 per cent	7 per cent
Water and drainage tax	2½ ,,	5 ,,
Lighting tax	1 ,,	2 ,,
Scavenging tax	1 ,,	2 ,,

Provided that where the water and drainage tax is levied the Municipal Council shall declare what proportion of the tax is levied in respect of water works and the remainder shall be deemed to be levied in respect of drainage works and the proportion so declared shall also be specified in the notification under section 68.

Method of assessment of property.

70. (1) Every building shall be assessed together with its site and other adjustment premises occupied as an appurtenance thereto unless the owner of the building is a different person from the owner of such site or premises.

(2) The annual value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably

LIBRARY ARCHIVES Kerala Legislative Assembly

be expected to let from month to month or from year to year less an allowance of 10 per cent for repairs.

Provided that in the case of any building of a class not ordinarily let, the gross annual rent of which cannot, in the opinion of the executive athority be estimated the annual value of the premises shall be deemed to be 6 per cent of the total of the estimated value of land and the estimated present cost of erecting the building after deducting for depreciation a reasonable amount which shall in no case be less than 15 per cent of such cost.

(3) In the case of lands mainly used for agricultural purposes the annual value shall not exceed twice the full pandaravaka verumpattam assessment.

(4) In the case of irredeemable tenures the liability for land tax will be on the tenant.

Exemption.

71. (a) The following buildings and lands shall be exempt from the property tax—(a) Places set apart for public worship and either actually so used or used for no other purpose, choultries, buildings used for educational purposes, hostels attached to educational institutions, public buildings and places used for the charitable purposes of sheltering the destitute or animals, libraries and playgrounds which are open to the public;

(b) Charitable hospitals and dispensaries and such hospitals and dispensaries maintained by Railway administration as may, from time to time, be notified by the Government;

(c) Burial and burning grounds;

(d) Buildings belonging to Government or Municipal Council;

(e) Any building or land the annual value of which is not more than Rs. 24 or where the Government specially notifies Rs. 36 if it be the owner's sole property liable to taxation under this Act.

Explanation:—The exemption granted under this section shall not extend to residential quarters attached to Schools and Colleges, not being hostels or to residential quarters attached to hospitals, dispensaries and libraries.

Special exemptions and alternative basis of taxation.

72. The Council shall levy the property tax at a uniform rate—

LIBRARY ARCHIVES Kerala Legislative Assembly

Provided that—

(a) The water and drainage tax shall not be levied upon any land exclusively used for agricultural purposes and not deriving any benefit from the water or drainage works on account of which the tax is imposed.

(b) The Municipal Council may, with the previous sanction of the Government, exempt any particular part of a Municipality from the payment of the whole or a portion of the water and drainage tax or of the lighting tax on the ground that such area is not deriving full benefit from the water supply and drainage, or from the lighting system.

(c) The Municipal Council may exempt any building or land from the whole or any portion of the scavenging tax if it is satisfied that the owner or occupier has made efficient arrangements for the daily removal therefrom of rubbish, filth and carcasses of animals or if it is satisfied that such removal of rubbish, etc., is not necessary.

(d) The Municipal Council may, subject to the sanction of the Government, which may at any time be withdrawn in respect of all or any lands, assess any land which is not used slolely for agricultural purpcses or appurtenant to any building, or which is occupied by or appurtenant to huts, with reference to extent in lieu of annual value subject to a maximum of four annas for every 80 Sq. Yds. for the tax for general purposes, of a maximum of two annas for every 80 Sq. Yds. for the water and drainage tax and a maximum of one anna for every 80 Sq. Yds. for the lighting tax and the scavenging tax.

(e) The rate of any class of property tax on lands when levied on their annual value may be lower than the rate of the same class of property tax on buildings. Provided that the aggregate property tax leviable in the case of light-houses, piers, wharves, jetties and passenger sheds, latrines, cartstands, retiring rooms and platforms belonging to a railway administration shall not exceed 4 per cent of their annual value.

Property tax a first charge on property.

73. The property tax on buildings and lands shall, subject to the perior payment of land revenue, if any, due to the Government thereon, be a first charge upon the said buildings or lands and upon the movable property, if any, found within or upon the same and belonging to the person liable to such tax.

Payment of property tax, in half-yearly instalments.

74. The property tax shall be paid by the owner of the assessed premises in two equal instalments, each instalment being payable within 30 days after the commencement of the half-year to which it relates.

LIBRARY ARCHIVES Kerala Legislative Assembly

Vacancy remission.

75. (1) When any building whether ordinarily let or occupied by the owner himself has been vacant and unlet for thirty or more consecutive days in any half-year, the executive authority shall remit so much not exceeding one-half of such portion of the tax as relates to the building only as is proportionate to the number of days during which the building was vacant and unlet in the half-year.

(2) Every demand for remission under sub-section (1) shall be made during the half-year in respect of which the remission is sought or in the following half-year and not afterwards.

(3)(a) No demand for such remission shall be entertained unless the owner of the building or his agent has previously thereto delivered notice to the executive authority —

(i) that the building is vacant and unlet, or

(ii) that the building will be vacant and unlet from a specified date either in the half-year in which notice is delivered or in the succeeding half-year.

(b) The period in respect of which the remission is made shall be calculated—

(i) if remission is sought in respect of the half-year in which notice is delivered, from the date of delivery of the notice or from the date on which the building became vacant and unlet, whichever is later; and

(ii) if remission in respect of the half-year succeeding that in which the notice is delivered, from the commencement of the half-year in respect of which remission is sought or from the date on which the building became vacant and unlet whichever is later.

(c) Every notice under clause (a) shall expire with the half-year during which it is so delivered, and shall have no effect thereafter.

Obligation of transferor and transferee to give notice of transfer.

76. (1) Whenever the title of any person primarily liable to the payment of property tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same shall be transferred shall within three months after the execution of the instrument of transfer or after its registration if it be registered or after the transfer is effected, if no instrument

LIBRARY ARCHIVES Kerala Legislative Assembly

be executed, give notice of such transfer to the executive authority.

(2) In the event of the death of any person primarily liable as aforesaid the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give written notice of such transfer to the executive authority within one year from the death of the deceased.

(3) The notice to be given under this section shall be in such form as the executive authority may direct and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be found to produce before the executive authority any documents evidencing the transfer or succession.

(4) Every person who makes a transfer as aforesaid without giving such notice to the executive authority shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of property tax assessed on the premises transferred until he gives notice or until the transfer shall have been recorded in the Municipal registers, but nothing in this section shall be held to affect—

(a) the liability of the transferee for the payment of the said tax, or

(b) the prior claim of the Municipal Council under section 73.

Owner's obligation to give notice of construction, reconstruction or demolition of building.

77. (1) (a) If any building in a Municipality is constructed or reconstructed, the owner shall give notice thereof to the executive authority within fifteen days from the date of completion or occupation of the building whichever is earlier.

(b) If such date falls within the last two months of a half-year the owner shall, subject to notice being given under clause (a), be entitled to a remission of the whole of the tax or enhanced tax, as the case may be, payable in respect of the building only for that half-year,

(c) If such date falls within the first four months of a half-year, the owner shall, subject to notice being given under clause (a), be entitled to a remission of so much not exceeding a half of the tax or enhanced tax, as the case may be, payable in respect of the building only, for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(2) (a) If any building in a Municipality is demolished or destroyed, the owner shall, until notice thereof is given to the

LIBRARY ARCHIVES Kerala Legislative Assembly

executive authority, be liable for the payment of the property tax which would have been leviable had the building not been demolished or destroyed.

(b) If such notice is given within first two months of a half-year, the owner shall be entitled to a remission of the whole of the tax payable in respect of the building only, for that half-year.

(c) If such notice is given within the last four months of a half-year, the owner shall be entitled to a remission of so much not exceeding a half of the tax payable in respect of the building only, for that half-year, as is proportionate to the number of days in that half-year preceding the demolition or destruction as the case may be.

Remission of tax in areas included or excluded in the middle of a half-year.

78. (1) If any area is included within a Municipality the owner of every building or land in such area shall—

(a) if the date of such inclusion falls within the last two months of a half-year, not be liable to pay any property tax in respect thereof for that half-year; and

(b) if such date falls within the first four months of a half-year, be entitled to a remission of so much not exceeding a half of the property tax payable in respect thereof for that half-year as is proportionate to the number of days in that half-year preceding such date.

(2) if any area is excluded from a Municipality the owner of every building or land in such area shall be entitled—

(a) if the date of such exclusion falls within the first two months of a half-year, to a remission of the whole of the property tax payable in respect thereof for that half-year; and

(b) if such date falls within the last four months of a half-year, to a remission of so much not exceeding a half of the property tax payable in respect thereof for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(3) No remission shall be granted under sub-section (2) in respect of any building or land unless an application for such remission is made to the executive authority within three months from the date of the exclusion of the area in which the building or land is situated.

LIBRARY ARCHIVES Kerala Legislative Assembly

79. (1) For the purpose of assessing the property tax, the executive authority may, by notice, call on the owner or occupier of any land or building to furnish him within thirty days after the service of the notice where the notice is served upon a railway administration or a company, and within seven days after such service in other cases, with returns of the rent payable for the land or building the cost of erecting the building and a measurement of the land and with such other information as the executive authority may require; and every owner and occupier on whom such notice is served shall be bound to comply with it and to make a true return to the best of his knowledge or belief.

Executive authority's power to call for information and to enter upon premises.

(2) For the purpose aforesaid the executive authority or the revision officer authorised in writing by the executive authority may enter, inspect, survey and measure such building or land after giving twenty-four hours' notice to the owner or occupier.

TAX ON COMPANIES.

80. If the Council by resolution decides that a company's tax shall be levied, every company transacting business within the Municipality for profit or as a benefit society or as a Kuri shall pay a half-yearly tax on its capital or funds on the scale shown in Schedule I, if, and as soon as it has transacted business in the Municipality for a period of 60 days.

Taxation of Companies on their capital.

PROFESSION TAX.

81. Every person who, in any half-year—

Tax on professions.

(a) exercises a profession, art, or calling or holds any appointment public or private—

(i) within the Municipality for not less than sixty days in the aggregate, or

(ii) without the Municipality but who resides in the Municipality for not less than sixty days in the aggregate, or

(b) resides in the Municipality for not less than sixty days in the aggregate and is in receipt of any salary or pension, or income from investments, or money lending or any source other than houses and lands within the Municipality—shall pay a half-yearly tax in accordance with the rates shown in Schedule II;

(2) A person shall be chargeable under the class appropriate to his aggregate income from all sources specified in

LIBRARY ARCHIVES Kerala Legislative Assembly

sub-section (1); provided that the allowances payable to the members of the Cochin Ruling Family shall not be taxable under that sub-section.

(3) If a person shall prove that he has paid the sum due on account of the profession tax levied under this Act for the same half-year to any Municipal Council, such person shall not be liable, by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence, to pay to any other Municipal Council more than the difference between such sum and the amount to which he is otherwise liable for the profession tax for the half-year under this Act.

Nothing contained in this section shall be deemed to render a person who resides within the limits of one Municipality and exercises his profession, art or calling or holds any appointment within the limits of any other Municipality liable to profession tax for more than the higher of the amounts of the tax leviable by any of the Municipal Councils. In such a case the Diwan shall apportion the tax between the two Municipal Councils in such a manner as he may deem fit and the decision of the Diwan shall be final.

Explanation:—The word 'person' in this section includes also the manager of a joint Hindu or Marumakkathayee family.

Liability of members of firms and associations to pay tax.

82. The tax leviable from a firm or association may be levied from any adult member of the firm or association.

GENERAL PROVISIONS COMMON TO TAX ON COMPANIES AND PROFESSION TAX.

Liability of servants or agents to company tax or profession tax.

83. (1) If a company or person employs a servant or agent to represent it or him for the purpose of transacting business, or exercising profession, art or calling, as the case may be, in a Municipality, such company or person shall be deemed to transact business in the Municipality, and such servant or agent shall be liable for the company tax or the profession tax, in respect of the business of such company or person, whether or not such servant or agent has power to make binding contracts on behalf of such company or person.

(2) Where one company or person is the agent of another company or person, the former company or person shall not be liable separately to the company tax or profession tax, as the case may be, on the same income as that of the principal.

LIBRARY ARCHIVES Kerala Legislative Assembly

84. If the company tax or profession tax due from any company or person is not paid, the executive authority shall cause a notice to be served on such company or person to pay it within fifteen days of the date of such service.

Service of notice on failure of payment of tax.

85. All statements made, returns furnished or accounts or documents produced in connection with the assessments of company tax or profession tax by any company or person shall be treated as confidential and copies thereof shall not be granted to the public.

Statements, returns, etc., to be confidential.

86. The executive authority may by notice require the owner or occupier of any building or land and every Secretary or Manager of a hotel, boarding or lodging house, club or residential chambers to furnish within a specified time a list in writing containing the names of all persons occupying such building, land, hotel, boarding or lodging house, club or residential chambers and specifying the profession, art, calling or appointment of every such person and the rent, if any, paid by him and the period of such occupation.

Requisition on owner or occupier to furnish list of persons liable to tax.

87. The executive authority may by notice require any employer or the head or Secretary or Manager of any public or private office, hotel, boarding-house or club or of a firm or company—

Requisition on employers or their representatives to furnish such list.

(a) to furnish within a specified time a list in writing of the names of all persons employed by such employer or by such office, hotel, boarding house, club, firm or company as officers, servants, dubashes, agents, suppliers, or contractors, with a statement of the salary or income of such employed persons, and

(b) to furnish particulars in regard to any company of which such employer, head, secretary or manager, as the case may be, is the agent.

TAX ON CARRIAGES AND ANIMALS.

88. If the Council by resolution decides that a tax on carriages and animals shall be levied, the executive authority shall levy the said tax by half-yearly instalments on carriages and animals kept within the Municipality at the rates not exceeding those mentioned in Schedule III. This section shall not apply to motor vehicles plying with G. permits issued under Rule 31 of the Cochin Motor Vehicles Rules framed

General provisions regarding tax on carriages and animals.

LIBRARY ARCHIVES Kerala Legislative Assembly

by the Diwan in pursuance of the powers conferred upon him by section 11 of the Cochin Motor Vehicles Act excepting motor cars seating not more than seven persons.

Liability to tax according to period for which carriage or animal has been kept.

89. (1) Every person having possession, custody or control of any taxable carriage or animal shall be liable for the full half-yearly tax if the carriage or animal has been kept within the Municipality for an aggregate period of not less than 60 days in the half-year.

(2) If such aggregate period exceeds 15 days but is less than 60 days a moiety only of the half-yearly tax shall be leviable.

(3) If such aggregate period does not exceed 15 days no tax is leviable for the half-year.

(4) Every person having possession, custody or control of any taxable carriage or animal within the Municipality shall until the contrary is shown, be presumed to have kept the same within the Municipality for 60 days in the half-year.

(5) Notwithstanding anything contained in sub-sections (1) and (2) no person shall be liable to tax during any half-year on account of any carriage or animal in respect of which the full tax for the same half-year has already been paid by some other person.

(6) No person who shall prove that he has paid in any half-year the tax levied under this Act on account of any carriage or animal in one Municipality, shall be liable by reason merely of change of place to more than the difference between the amount of such tax and the tax to which he is otherwise liable on account of such carriage or animal for the same half-year in any other Municipality. In such a case the Diwan shall apportion the tax between the Municipalities concerned in such manner as he may deem fit and the decision of the Diwan shall be final.

Exemptions.

90. The carriage and animal tax shall not be levied on—

(a) Carriages and animals belonging to Government and used for military purposes.

(b) carriages and animals kept solely for sale by carriage makers and dealers;

(c) carriages which have been under repair or standing at a carriage maker's during the whole of the half-year;

(d) animals which during the whole of the half-year have been kept in any institution for the reception of infirm animals or which are certified by a Veterinary Surgeon to have been unfit for use during the whole of the half-year;

LIBRARY ARCHIVES Kerala Legislative Assembly

(e) carriages and animals belonging to Municipal Councils;

(f) cattle used exclusively for agricultural purposes.

Composition.

91. With the sanction of the Council or in accordance with the Acts framed by that body, the executive authority may compound, for any period not exceeding one year, with any livery stable keeper or other person keeping carriages and animals for sale or hire, for a certain sum to be paid in lieu of the carriage and animal tax.

Forms to be sent to and returned by tax payers.

92. (1) The executive authority shall send to every person supposed to have become liable to the payment of the tax on carriages and animals a printed table to be filled up with such information respecting the carriages and animals kept by him as the executive authority considers necessary for the assessment of the tax.

(2) Such table shall be filled up with such information in writing, and signed and dated, and returned within one week of its receipt to the Municipal Office by the person to whom it has been sent.

(3) On the expiry of the period of one week referred to in sub-section (2) the executive authority shall cause a notice to be served on such person requiring him to pay within fifteen days of the date of such service the sum for which in the opinion of the executive authority, such person is liable on account of the tax on carriages and animals.

Grant of license on payment of tax.

93. When any person pays the amount of tax due in respect of any carriage or animal, the executive authority shall grant him a license to keep such carriage or animal for the period to which the payment relates.

Power to require numbers to be affixed to bicycles, etc.

94. (1) The executive authority may direct that a Municipal number shall be affixed to every carriage, bicycle and tricycle kept within the Municipality:

Provided that no Municipal number shall be requisite in the case of carriages to which a number must be affixed under the provisions of any special Act.

(2) The numbers affixed under the sub-section (1) shall be registered in the Municipal Office.

LIBRARY ARCHIVES Kerala Legislative Assembly

TAX ON CARTS.

General provisions regarding cart tax.

95. (1) If the Council by resolution decides that a tax shall be levied on carts the executive authority shall levy the said tax by half-yearly instalments at the rates which shall not exceed Rs. 4 per cart per half-year fixed by the Council in respect of all carts kept within the Municipality.

(2) Every owner of any such cart shall register it once in every half-year in the Municipal Office.

(3) The Council may direct that a Municipal number shall be affixed to every registered cart.

(4) The executive authority shall notify certain days in every half-year for the registration and numbering of carts and the payment of the tax.

(5) All registrations made and numbers affixed under this section shall be entered in a book to be kept for the purpose at the Municipal Office.

(6) Such book shall be open to the inspection of any person who pays any tax to the Municipality at all reasonable times without charge.

(7) This section shall not apply to carts belonging to the Government and used for military purposes or belonging to Municipal Councils or carts kept solely for sale by cart makers and dealers.

Power to remit tax.

96. The executive authority may remit any portion of the cart tax in respect of any cart which is known to his satisfaction to have been kept within the Municipality for an aggregate period not exceeding 15 days in the half-year, or to have been under repair or standing at a cart maker's during the whole of the half-year.

POWERS TO SEIZE CARRIAGES AND CARTS NOT BEARING NUMBERS.

Seizure of vehicles not bearing numbers.

97. (1) If a Municipal number is not affixed to a carriage or cart in pursuance of a direction issued under section 94 or section 95, as the case may be, the executive authority or any Municipal servant authorised by him in writing may at any time seize and detain the vehicle and the animal, if any, by which it is drawn;

LIBRARY ARCHIVES Kerala Legislative Assembly

Provided that no vehicle other than a bicycle, tri-cycle or motor bicycle shall be seized or detained when actually employed in the conveyance of any passenger or goods.

(2) If the vehicle or animal seized be not claimed and the tax due thereon be not paid within ten days from the date of seizure, the executive authority may direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of—

(i) the tax, if any due, on the vehicle or animal sold;

(ii) such penalty not exceeding the amount of the tax as the executive authority may direct; and

(iii) a sum of one rupee on account of charges incurred in connection with the seizure, detention and sale.

(3) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of—

(i) the tax due thereon;

(ii) such penalty not exceeding the amount of the tax as the executive authority may direct; and

(iii) a sum of eight annas on account of charges incurred in connection with the seizure and detention.

TOLLS.

General provisions for tolls on vehicles and animals.

98. If the Council by resolution decides that tolls shall be levied on vehicles and animals entering the Municipality such tolls shall be levied at the rates shown in Schedule IV.

Provided that no toll shall be levied on any vehicle or animal—

(a) licensed or registered by the Municipal Council.

(b) belonging to the Government and used for military purposes or belonging to Municipal Councils or by special notification exempted by Government.

(c) carrying troops.

(d) carrying any person or property in the custody of a Police or Excise officer.

(e) carrying any Municipal or Police officer on duty.

LIBRARY ARCHIVES Kerala Legislative Assembly

99. (1) The Council shall construct toll-stations and may construct toll-bars on or within the Municipal boundary and

Construction of toll bars and collection of tolls.

(a) may place the collection of the tolls under the management of such persons as it thinks fit, or

(b) may farm them out on such terms and conditions as it thinks fit, with liberty to the farmer to exercise all or any of the powers conferred by or under this Act for the levy and collection of tolls:

Provided that—

(a) no toll-stations shall be constructed on the boundary between contiguous Municipalities, and

(b) the Government may either generally or in any particular case issue such orders as they may deem fit for regulating the number and location of toll-stations, and determining in the case of neighbouring local authorities which of the local authorities shall be in charge of particular toll-stations and how much of the revenue realised by any such local authority from a toll-station or toll-stations in its charge shall be paid to another neighbouring local authority.

(2) With the sanction of the Council or in accordance with Acts framed by that body, the executive authority may whether the tolls have been framed out or not compound with any person living outside the Municipality for a certain sum to be paid yearly or half-yearly in lieu of all tolls payable under the provisions of this Act.

Composition.

100. (1) If the toll leviable on a vehicle or animal is not paid on demand, the person appointed to collect it may seize and detain such portion of the appurtenances or load of such vehicle or animal as will, in his opinion, suffice to defray the amount due; in the absence of any such appurtenances or load or in the event of their value being insufficient to defray the amount due, he may seize and detain the vehicle or animal.

Procedure in case of non-payment of tolls.

(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the executive authority or to such person as he may have authorised to receive and sell such property and the executive authority shall forthwith give notice to the proprietor of the property seized, or, if the proprietor is

LIBRARY ARCHIVES Kerala Legislative Assembly

not known, or is not resident within the Municipality, to the person who was in charge of the said property at the time when it was seized, or, if such person cannot be found, publish by beat of drum, that, after the expiry of two days, exclusive of Sunday, from the date of service or publication of such notice the property will be sold in auction at a place to be specified in the notice.

(3) If at any time before the sale has begun the amount due on account of the toll, together with a sum of four annas on account of charges incurred in connection with the seizure and detention, is tendered to the executive authority or other person authorised as aforesaid, the property seized shall be forthwith released.

(4) If no such tender is made, the property may be sold and the proceeds of the sale applied to the payment of

(i) the amount due on account of the toll;

(ii) such penalty not exceeding the amount of the toll as the executive authority may direct; and

(iii) a sum of eight annas on account of charges incurred in connection with the seizure, detention and sale.

Attempts to evade payment of toll.

101. No person shall with intent to evade payment of toll cause a vehicle or animal:—

(a) to pass a toll-station in a rapid or surreptitious manner;

(b) to pass a toll-station without stopping if he is required by the toll-keeper to stop; or

(c) to leave a street on which a toll-station has been placed and pass over any adjacent land, not being either a public street or land of which such person is the owner or occupier.

Table of tolls.

102. (1) At every toll-bar, or toll-station, a table of the tolls leviable shall be put up legibly written or painted in English and in Malayalam in some conspicuous place near such toll-station and in the absence of such table no tolls shall be leviable at the toll-station.

(2) (a) The payment of a toll in respect of any vehicle covers the animals engaged in drawing it.

(b) Tolls are leviable upon vehicles irrespective of the means of traction employed.

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(c) Not more than a single payment of a toll may be demanded in respect of any vehicle or animal during any one period of twenty-four hours counted from 6 a. m. to 6 a. m. and on such payment being made a receipt in such form as the Council may prescribe shall be granted by the toll-keeper.

GENERAL PROVISIONS REGARDING TAXATION AND FINANCE.

Power to exempt from taxes or tolls.

103. With the sanction of the Government the Municipal Council may exempt any person or class of persons wholly or in part from payment of any tax or toll.

Council's power to write off irrecoverable taxes and tolls.

104. If in the opinion of the Municipal Council, any tax or toll, fee or other amount whatsoever due to it, whether under a contract or otherwise is irrecoverable the Council may write off the same together with any sum payable in connection therewith.

Definition of Municipal Fund.

105. All moneys received by the Municipal Council shall constitute a fund which shall be called the Municipal Fund and shall be applied and disposed of subject to the provisions of this Act or other laws. The funds shall be lodged in the Government Treasury or such other place as the Government may direct.

Budget estimate.

106. The Municipal Council shall furnish, for the sanction of the Government, an annual statement or estimate showing the probable receipts and the expenditure which it is proposed by the Municipal Council to incur during the next year and the items in respect of which it is proposed to incur such expenditure.

Control of Government over Municipal Budget.

107. The Government may pass such orders as they think fit upon the budget estimates submitted to them under section 106 and such orders shall be binding on the Municipal Council. When the Government pass orders under this section, they shall have due consideration for the liabilities in respect of loans contracted by the Council, and for the maintenance of a working balance.

Appointment of uditors of accounts.

108. The Government shall appoint auditors of the accounts of receipts and expenditure of the Municipal fund. Such auditors shall be deemed to be public servants within the meaning of section 15 of the Cochin Penal

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Code. All expenses incurred on account of the audit staff shall be charged to Municipal Councils in such proportion as the Government may fix.

Power of Government to make rules.

109. The Government may, after previous publication, make rules regarding—

(a) the assessment of property taxes;

(b) the assessment of the Companies and profession taxes;

(c) the levy of the carriage and animal tax and of tolls;

(d) the revision of assessment;

(e) the collection of taxes, dues and tolls;

(f) other miscellaneous matters connected with taxation under this Act; and

(g) the auditing of the accounts and surcharge and disallowance by auditors; and

(h) the purposes to which the Municipal fund may be applied.

Such rules shall be read as part of this Chapter and shall have the force of law.

Contributions to expenditure incurred by other local authorities.

110. (1) If the expenditure incurred, by the Government or by any other Municipality to which this Act applies, or by any other local authority for any purpose authorised by or under the rules framed under clause (h) of section 109 is such as to benefit the inhabitants of a Municipality, the Municipal Council may, with the sanction of Government, make a contribution towards such expenditure.

(2) The Government may direct a Municipal Council to show cause within a month after a receipt of the order containing the direction, why any contribution described in sub-section (1) should not be made.

(3) If the Municipal Council fails to show cause within the said period to the satisfaction of Government, the Government may direct it to make such contribution as they shall name and it shall be paid accordingly.

LIBRARY ARCHIVES Kerala Legislative Assembly

PART IV

PUBLIC HEALTH, SAFETY AND CONVENIENCE.

CHAPTER VII—WATER SUPPLY, LIGHTING AND DRAINAGE.

WATER SUPPLY—VESTING OF WORKS AND POWERS OF MUNICIPAL AUTHORITIES.

Vesting of works in Municipal Council.

111. (1) All public water courses and springs and all public reservoirs, tanks, cisterns, fountains, wells, standpipes, and other water works existing at the time of the coming into force of this Act or afterwards made, laid or erected and whether, made, laid or erected at the cost of the Municipal Council or otherwise and also any adjacent land (not being private property) appertaining thereto shall vest in the Council and be subject to their control:

Provided that nothing contained in this section shall apply to any work which is or is connected with, a work of irrigation or to any adjacent land appertaining to any such work.

(2) The Government may, by notification, limit or define such control or may assume the administration of any public source of water supply and public land adjacent and appertaining thereto after consulting the Municipal Council and giving due regard to its objections, if any.

Construction and maintenance of water works.

112. (1) The Council may, with the sanction of the Government, direct the construction of such works as it deems fit without the limits of the Municipality for supplying it with water and may provide channels, tanks, reservoirs, cisterns, engines, mains, wells, fountains, standpipes and other works as it may deem fit within the said limits for the use of the inhabitants.

(2) The Council may cause existing works for the supply of water to be maintained and supplied with water, or it may close any such works and substitutes other such works and may cause them to be maintained and supplied with water.

Trespass on premises connected with water supply.

113. It shall not be lawful for any person except with permission duly given and obtained to enter upon land belonging to or vested in a Municipal Council along which a conduit or pipe runs or upon any premises connected with the water supply.

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Prohibition of building over water mains.

114. (1) Without the permission of the Council no building, wall or other structure shall be newly erected and no street or Railway shall be constructed over any Municipal water mains.

(2) If any building, wall or other structure be so erected or any street or Railway be so constructed, the Council may cause the same to be removed or otherwise dealt with as shall appear to it fit and the expenses thereby incurred shall be paid by the persons offending.

(3) Nothing contained in sub-section (1) or (2) shall apply to the construction of railway lines taken up and executed under the direction of Government. Provided that any person executing such work shall not cause any damage, or injury or do anything which would tend to cause any damage or injury to such water mains and shall execute all additional work necessary for their safety preservation and retention to the satisfaction of the Council.

(4) Any person who fails to comply with any of the provisions in sub-section (3) shall be liable to pay to the Council such compensation as the Council may fix.

Meddling with the water main.

115. Whoever (1) unlawfully breaks, injures or causes damage to any public channel, tank, reservoir, cistern, well, fountain or standpipe or diverts water of the work connected with the water supply or without due authority opens or removes any lock, cock or pipe belonging to or under the management or control of the Municipal Council, or

(2) unlawfully draws off or takes water from any water works belonging to the Municipal Council or under their management or control,

shall for every such offence be liable to a fine not exceeding Rs. 20.

SUPPLY FOR DOMESTIC USE.

Council to provide water for domestic use.

116. The Council shall so far as the funds at its disposal may admit provide a sufficient supply of water fit for the domestic use of the inhabitants.

Control over house connections.

117. All house connections, whether within or without the premises to which they belong, with any water supply mains which may have been constructed by a Municipal Council shall be under the control of the Council, but shall be altered, repaired

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and kept in proper order if the Council so require, at the expense of the owner of the premises to which they belong or for the use of which they were constructed, and in conformity with by-laws and Acts framed by the Council in this behalf.

Private water supply for consumption and domestic use and powers of executive authority to enforce provision of water supply.

118. (1) In Municipalities in which there is a pipe supply of water the executive authority may, at his discretion, on application by the owner or occupier of any building arrange in accordance with the by-laws, to supply water thereto for domestic consumption and use.

(2) Whenever it appears to the executive authority that any masonry dwelling house assessed at an annual value of not less than Rs. 200 is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than 100 feet distant from any part of such building the executive authority may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the by-laws and Acts:

Provided that no action shall be taken under this sub-section if the owner satisfies the executive authority that he is too poor to bear the cost of the said works.

(3) The cost of making the connection and the cost or hire of meters shall be borne by the owner or applicant and shall be recoverable in the same manner as the property tax.

Explanation.—Supply of water for domestic consumption and use shall not be deemed to include a supply

(a) for any trade, manufacture, or business;

(b) for gardens or for purposes of irrigation;

(c) for building purposes, and

(d) for fountains, swimming baths, public baths, tanks, in or near temples and mosques within the Municipality or for any ornamental or mechanical purpose;

(e) for animals or for washing vehicles, where such animals or vehicles are kept for sale or hire;

but shall be deemed to include a supply:—

(i) for flushing water closets and latrines;

(ii) for all baths other than swimming baths or public baths;

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(iii) for the consumption and use of inmates of hotels, boarding houses and the like and for baths used by such inmates;

(iv) for manufacture of aerated water or other articles of human consumption.

(4) For all water supplied under this section in excess of a maximum determined by by-laws made by the Council, payment shall be made at such times and on such conditions as may be laid down in such by-laws and shall be recoverable in the same manner as the property tax.

PRIVATE WATER SUPPLY FOR NON-DOMESTIC PURPOSES.

Executive authority's power to supply water for non-domestic purposes at rates fixed by Council.

119. (1) The executive authority may, at his discretion, supply water for any purpose other than domestic consumption and use on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) For all water supplied under sub-section (1) payment shall be made at such rates and such conditions shall be imposed as may be determined by the Council by general or special order.

SUPPLY BEYOND LIMITS OF MUNICIPALITY.

Supply without the Municipality.

120. The Council may, with the sanction of and on such terms (if any) as may be approved by the Government, supply water to a local authority or other person without the Municipality.

CUTTING OF WATER SUPPLY.

Power to cut-off water supply.

121. (1) The executive authority may cut off the supply of Municipal water from any premises—(a) if the premises are unoccupied; (b) if any water-tax or any sum due for water, for the cost of making a connection or for the cost or hire of a meter or for the cost of carrying out any work or test connected with the water supply which is chargeable to any person by or under this Act, is not paid within 15 days after a bill for such tax or sum has been presented;

(c) if, after receipt of a notice from the executive authority requiring him to refrain from so doing, the owner or occupier continues to use the water or to permit it to be used in contravention of any by-law made under this Act.

(d) if the owner or occupier neglects within a period specified in any notice issued by the executive authority under

LIBRARY ARCHIVES Kerala Legislative Assembly

any by-law made under this Act to put up a meter or to comply with any other lawful order or requisition;

(e) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap carrying Municipal water;

(f) if the occupier refuses to admit the executive authority into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connection with the water supply or prevents the executive authority doing such work, placing or removing such apparatus or making such examination or inquiry;

(g) if any pipes, taps, works, or fittings connected with the Municipal water supply are found on examination by the executive authority to be out of repair to such an extent as to cause waste or contamination of water;

(h) if the owner or occupier causes pipes, taps, works or fittings connected with the Municipal water supply to be placed, removed, repaired or otherwise interfered within violation of the by-laws:

Provided that in cases under clauses (e), (f), (g) and (h) the executive authority shall not take action unless notice of not less than 24 hours has been given to the owner or occupier of the premises.

(2) The expense of cutting off the supply shall be paid by the owner or occupier of the premises.

(3) In cases under clause (b) as soon as any money for non-payment of which water has been cut off together with the expense of cutting off the supply, has been paid by the owner or occupier, the executive authority shall cause water to be supplied as before on payment of the cost (if any) of re-connecting the premises with the Municipal water works.

(4) No action taken under this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

Non-liability of Council for reduction or stoppage of supply in certain cases.

122. The Council shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water (save in the case of express stipulation in an agreement for the supply of water for other than domestic purposes) in the case of any draught or other unavoidable cause or accident or the necessity for relaying or repairing pipes.

LIBRARY ARCHIVES Kerala Legislative Assembly

LIGHTING.

123. The Council shall, so far as the funds at its disposal permit, cause the public streets to be lighted and for that purpose shall provide such lamps and works as it thinks necessary.

Provision for lighting public streets.

PUBLIC DRAINAGE.

124. The Council shall, so far as the funds at its disposal may admit, provide and maintain a sufficient system of public drains.

Maintenance of system of drainage by Council.

PRIVATE DRAINAGE.

125. All house drains whether within or without the premises to which they belong and all private latrines and cess-pools within the Municipality shall be under the control of the Municipal Council but shall be altered, repaired, cleansed and kept in proper order at the expense of the owner of the premises to which the same belong or for the use of which they were constructed and in conformity with any by-laws and Acts that may be framed by the Council in this behalf.

Control over house drains, privies and cess-pools.

126. (1) The executive authority shall, on application by the owner or occupier of any premises or the owner of a private street, arrange in accordance with the by-laws for the connection of the applicant's drain with any public drain at a distance not exceeding 300 ft. therefrom at the applicant's expense.

Connection of house drains with public drains.

(2) If there is a public drain or outfall within a distance not exceeding 100 ft. of the nearest point on any permises the executive authority may by a notice direct the owner of the said premises to construct a drain leading therefrom to such drain or place of outfall and to execute all such works as may be necessary in accordance with the by-laws and Acts at such owners' expense.

(3) If any premises are in the opinion of the executive authority without sufficient means of effectual drainage, but no part thereof is situated within 100 ft. of a public drain or its place of outfall, the executive authority may by notice direct the owner of the said premises to construct a cess-pool or sceptic tank or filters of such material, dimensions and description, in such position and at such level as the executive authority thinks necessary, and to construct a drain or drains emptying into such

LIBRARY ARCHIVES Kerala Legislative Assembly

cess-pool, tank or filters and to execute all such works as may be necessary in accordance with the by-laws and Acts:

Provided that—

(a) No requisition shall be made under this section on any person who has been exempted from payment of the property tax under section 71 clause (e).

(b) No person shall be required under this section to expend a sum exceeding five times the property tax on any such building with the land assessed with it as part of the same premises; or in the case of buildings exempted under section 71 five times the property tax which would be payable on such building with the land which would be assessed with it to the property tax if such building were not exempt; and if any amount exceeding the said sum is expended, the excess shall be borne by the Council.

Executive authority may close or limit the use of existing private drains.

127. (1) Where a drain connecting any premises with a public drain or other place set apart by the Municipal Council for the discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable, but is not in the opinion of the executive authority, adapted to the general drainage system of the Municipality or of the part of the Municipality in which such drain is situated, the executive authority with the approval of the Council may—

(a) subject to the provisions of sub-section (2) close, discontinue or destroy the said drain and do any work necessary for that purpose, or

(b) direct that such drain shall from such date as he specifies in this behalf, be used for sullage and sewage only, or for water un-polluted with sullage or sewage only and by notice require the owner of the premises to make at his own expense an entirely distinct drain for water un-polluted with sullage or sewage or for sullage and sewage.

(c) No drain may be closed, discontinued or destroyed by the Chairman under clause (1) (a) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or other place aforesaid and the expense of the construction of any drain so provided by the executive authority and of any work done under clause (1) (a) shall be paid by the Council.

LIBRARY ARCHIVES Kerala Legislative Assembly

Power of executive authority to drain premises in combination.

128. (1) When the executive authority is of opinion that any group or block of premises any part of which is situate within 100 feet of a Municipal drain already existing or about to be constructed may be drained more economically or advantageously in combination than separately, the executive authority may with the approval of the Council cause such group or block of premises to be drained by such method as appears to the executive authority to be best suited therefor and the expenses incurred by the executive authority in so doing shall be paid by the owners in such proportions as the Council may decide.

(2) Not less than 15 days before any work under this section is commenced the executive authority shall give written notice to the owners of—

(a) the nature of the intended work,

(b) the estimated expenses thereof, and

(c) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (1) shall be the joint owners of every drain constructed, erected or fixed or continued for the special use and benefit only of such premises and shall in the proportion in which it is determined that they are to contribute to the expenses incurred by the executive authority under sub-section (1) be responsible for the expense of maintaining every such drain in good repair and efficient condition.

Building, etc., not to be erected without permission over drains.

129. (1) Without the permission of the Council no person shall place or construct any fence, building, culvert, drain-covering, drain or other structure or any street, or cable over, under, in or across any public drain or stop up, divert, obstruct or in any way interfere with any public drain, whether it passes through public or private ground.

(2) The executive authority may remove or otherwise deal with anything placed or constructed in contravention of sub-section (1) as he shall think fit, and the cost of so doing shall be recoverable from the owner thereof in the manner provided in section 341.

LIBRARY ARCHIVES Kerala Legislative Assembly

Construction of culverts or drain coverings by owner or occupier.

130. (1) The executive authority may by notice require the owner or occupier of any building or land adjoining a public street to construct culverts or drain coverings over the side channels or ditches at the entrance to the said building or land.

(2) All culverts or drain coverings or pials maintained over side channels or ditches by the owners or occupiers of adjacent buildings or lands shall be of such form and size and consist of such materials and be provided with such means of ventilation as the executive authority may by notice require and shall be maintained and kept free from all obstruction at the expense of the said owners or occupiers.

Maintenance of troughs and pipes for catching water.

131. The owner or occupier of any building in a public street shall, within 15 days after receipt of a notice in that behalf from the executive authority, put up and thence-forward maintain proper troughs and pipes for catching and carrying the water from the roof and other parts of such building and for discharging such water in such manner as the executive authority may permit.

PUBLIC LATRINES.

Provision of public latrines and urinals.

132. The Council shall, as far as the funds at its disposal may admit, provide and maintain in proper and convenient places sufficient number of public latrines and shall cause the same to be daily cleansed and kept in proper order.

PRIVATE LATRINES.

Provision of latrines by owner or occupier.

133. (1) The owner or occupier of every building shall wtihin 14 days after receiving notice from the executive authority provide a latrine for the use of the persons employed in or about or occupying such building or alter or remove from an unsuitable to a more suitable place, any existing latrine in accordance with the directions contained in such notice.

(2) Every owner or occupier of the ground on which any group of six or more huts stands shall provide latrines of such description and number in such position as the executive authority may by notice require within such time as may be fixed in the notice for the use of the inhabitants of such huts.

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134. Every person employing workmen, labourers or other persons exceeding 10 in number, shall provide and maintain for the separate use of persons of each sex so employed latrines of such description and number and in such position as the executive authority may by notice require, within such time as may be fixed in the notice.

Provision of latrines for labourers.

135. Every owner or manager of a market, cart-stand, cattle-shed, choultry, theatre, Railway station, dock, wharf or other places of public resort or entertainment shall, within 14 days after receiving notice from the executive authority, provide and maintain for the separate use of person of each sex, latrines of such description and number and in such position as may be specified in the notice.

Provision of latrines for markets, cart-stands and cattle sheds.

136. All latrines shall be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighbourhood and shall be kept clean and in proper order.

Latrines to be screened from view and kept clean.

GENERAL POWERS.

137. The executive authority may carry any cable, wire, pipe, drain, or channel of any kind to establish or maintain any system of drainage, water supply or lighting, through, across, under, or over any road, street or place laid out for a road or street, and after giving reasonable notice to the owner or occupier through, across, under, over or up the side of, any land or building in the Municipality, and may place and maintain posts, poles, standards, brackets or other contrivances to support wires and lights on any pole or post in the Municipality not owned by the Government of India or the Cochin Government and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used or for removing the same:

Power to carry wire, pipe, drains, etc., through private property.

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person:

Provided further that the executive authority shall, with the sanction of the Council, pay compensation to any person who sustains damage by the exercise of such power.

LIBRARY ARCHIVES Kerala Legislative Assembly

138. (1) No person shall, without the permission of the executive authority make any connection with any Municipal cable, wire, pipe, drain, or channel or with the house connection of any other person.

Prohibition against making connection with mains without permission.

(2) The executive authority may, by notice, require any connection made in contravention of sub-section (1) to be demolished, removed, closed, altered or re-made.

139. If the Council conduct any pipe or drain or other work connected with the water supply or drainage of the Municipality across a culvert, cable or drain it may with the sanction of the Government and at the cost of the Municipal fund require the owners of the same to raise or lower the level thereof.

Power to require level of culvert, cable, etc., to be raised or lowered.

140. (1) The Municipal Council shall not undertake new works beyond the limits of the Municipality without the sanction of the Government.

Powers in respect of works outside the Municipality.

(2) The Council may, in the execution and for the purpose of any works beyond the limits of the Municipality sanctioned by the Government whether before or after the passing of this Act, exercise all the powers which it may exercise within the Municipality, throughout the line of the country through which conduits, channels, pipes, lines of posts and wires and the like run, and with the sanction of the Government.

(a) over any lake, tank or reservoir, from which a supply of water for drinking, for producing electric energy or for other purposes is derived, and over all lands within one mile of the high water level of any such lake, tank or reservoir;

(b) over any water course from which a supply of water for drinking, for producing electric energy or for other purposes is derived, within one mile above and half a mile below any point at which water is taken for such use; and,

(c) over any lands used for sewage, farms, sewage disposal tanks, filters and other works connected with the drainage of the Municipality.

LIBRARY ARCHIVES Kerala Legislative Assembly

CHAPTER VIII.—SCAVENGING.

Municipality to arrange for the removal of rubbish and filth.

141. Every Municipal Council shall, so far as the funds at its disposal admit, make adequate arrangements for:—

(a) the regular sweeping and cleansing of the streets and removal of sweepings therefrom;

(b) the daily removal of filth and the carcasses of animals from private premises; and

(c) the daily removal of rubbish from dust bins and private premises; and with this object it shall so far as the funds at its disposal admit provide—

(i) depots for the deposit of filth, rubbish and the carcasses of animals;

(ii) covered vehicles or vessels for the removal of filth;

(iii) vehicles or other suitable means for the removal of the carcasses of large animals and rubbish; and

(iv) dust bins for the temporary deposit of rubbish.

Scavenging on occasions of fairs and festivals and contributions from persons having control over places of pilgrimage.

142. The Council shall make any special scavenging arrangements that may be necessary on occasion of fairs, festivals or other large assemblies of people and in the case of such assemblies held in connection with any place of pilgrimage in or within one mile of the Municipality, the Council may require the persons having control over such place of pilgrimage to make such contribution as the Government may, on each such occasion, fix towards the cost of such arrangements.

Prohibition of improper disposal of carcasses, rubbish and filth.

143. No person shall, after due provision has been made under section 141 by the Municipal Council for the deposit and removal of the same.

(a) deposit the carcasses of animals, rubbish or filth in any street or on the verandah of any building or on any un-occupied ground alongside any street or any public quay, jetty or landing place or on the bank of a water course or tank; or

(b) deposit filth or carcasses of animals in any dust-bin or in any vehicle not intended for the removal of the same; or

LIBRARY ARCHIVES Kerala Legislative Assembly

(c) deposit rubbish in any vehicle or vessel intended for the removal of filth save for the purpose of de-odorising or disinfecting the filth.

Prohibition of failure to deposit filth in receptacle, etc.

144. No occupier of any building shall, after a receptacle has been provided, fail to deposit therein all filth that has not been removed from the building or to keep such receptacle in readiness, screened from public view, at the times fixed by the Council, or deposit in such receptacle any matter other than filth.

Prohibition against keeping filth on premises too long, etc.

145. No owner or occupier of any premises shall keep or allow to be kept for more than 24 hours any filth on such premises or any building or on the roof thereof or in any out-building or any place belonging thereto, or fail to comply with any requisition of the executive authority as the construction, repair, paving or cleansing of any latrine on or belonging to his premises.

Prohibition against allowing outflow of filth.

146. No owner or occupier of any premises shall allow the water from any sink, drain, latrine or stable, or any other filth to flow out of such premises to any portion of a street except a drain or a cesspool or to flow out of such premises in such manner as to cause unavoidable nuisance by the soakage of the said water or filth into the walls or ground at the side of a drain forming a portion of a street.

Prohibition against using any cart without cover in the removal of filth, etc.

147. No person shall, in the removal of filth, use any cart or receptacle not having a covering proper for preventing the escape of the contents thereof, or of the stench therefrom, or intentionally or negligently spill any filth in the removal thereof, or omit carefully to sweep and clean every place in which any such filth has been spilled, or place or set down in any public place any filth whether in a vessel closed or open.

Prohibition against throwing rubbish or filth into drains.

148. No person shall put or cause to be put any rubbish of filth into any public drain not intended for rubbish or filth or into any drain communicating with any such public drain.

LIBRARY ARCHIVES Kerala Legislative Assembly

CHAPTER IX.—STREETS.

Public Streets.

Maintenance and repair of streets.

149. The Municipal Council except when otherwise directed by Government, shall, at the cost of the Municipal fund, cause the public streets and bridges to be maintained and repaired and may from the same fund meet the cost of all improvements to the same which are necessary or expedient for the public safety or convenience.

Powers of Municipal authorities.

150. (1) The Council may, with the sanction of Government,

(a) lay out and make new streets;

(b) construct bridges and sub-ways;

(c) turn, divert or permanently close any public street or part thereof;

(d) widen, open, extend or otherwise improve any public street.

(2) Reasonable compensation shall be paid to the owners and occupiers of any land or buildings which are required for or affected by any such purpose.

Power to dispose of permanently closed streets.

151. (1) When a public street is permanently closed under section 150 (1) (c) the Municipal Council may, with the sanction of the Government, dispose of the site or of so much thereof as is no longer required, in such manner as may be approved by the Government, provided that due compensation is made to any person injured by such closing.

(2) In determining such compensation allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street at or about the same time that the public street on account of which the compensation is paid, is closed.

Acquisition of land and building for the improvement of street.

152. (1) The Council may move the Government to acquire under the Land Acquisition Act

(a) any land required for the purpose of opening, widening, extending or otherwise improving any public street, or of making any new public street, and the building, if any, standing upon such land, and

LIBRARY ARCHIVES Kerala Legislative Assembly

(b) any land outside the proposed street alignment with the buildings, if any, standing thereupon:

Provided that, in any case in which acquisition is made in respect of any land prescribed in this clause, the owner of such land may retain it by paying to the Municipal Council an annual sum to be fixed by the Council in that behalf, or a lump sum to be fixed by the Council, not being less than 25 times such annual sum and subject to such conditions as the Council thinks fit as to the removal of the existing building (if any), the description of the new building (if any), to be erected, the period within which the new building (if any), shall be completed and any other similar matters.

(2) If any sum payable in pursuance of the proviso to sub-section (1) in respect of any land be not duly paid, it shall be recoverable in the manner provided by this Act for the collection of taxes, and, if not so recovered, the executive authority may enter upon the land, and sell it, with any erection standing thereon, by public auction subject to the conditions (if any), impose under sub-section (1) above and may deduct the said sum and the expenses of the sale from any proceeds of the sale and shall pay the balance (if any), to the defaulter.

(3) Any sum paid in pursuance of the proviso to sub-section (1) or recovered under sub-section (2) in respect of any land shall be left out of account in determining the annual value of such land for the purpose of assessing it to the property tax.

(4) Any land or building described in clause (b) of sub-section (1) after it has been handed over to the Council on acquisition by Government may be sold, leased or otherwise disposed of after public advertisement, and any conveyance made for that purpose may comprise such conditions as the Council thinks fit as to the removal of the existing building (if any), the description of the new building (if any), to be erected, the period within which the new building (if any), shall be completed and any other similar matters.

(5) The Council may require any person to whom any land or building is transferred under sub-section (4) to comply with any condition comprised in the said conveyance before it places him in possession of the land or building.

153. The Council may—

Power to prescribe building line and street alignment.

(a) prescribe for any public street a building line or a street alignment or both;

LIBRARY ARCHIVES Kerala Legislative Assembly

(b) from time to time define a fresh line in substitution for any line so defined or for any part thereof:

Provided that in either case—

(i) at least one month before the meeting of the Council at which the matter is decided, public notice of the proposal has been given and special notice thereof has also been put up in the street or part of the street for which such fresh line is proposed to be defined; and

(ii) the Council has considered all objections to the said proposal made in writing and delivered at the Municipal Office not less than 3 clear days before the day of such meeting.

Buildings not to be constructed within street alignment or building line.

154. No person shall construct any portion of a buillding within a street alignment defined under section 153.

(2) No person shall erect or add to any building between a street alignment and a building line defined under section 153 except with the permission of the executive authority, who may when granting permission impose such conditions as the Council may lay down for such cases.

Setting back projecting buildings or walls.

155. (1) When any building or part thereof abutting on a public street is within a street alignment defined under section 153, the executive authority may, whenever it is proposed,

(a) to rebuild such building or take it down to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or,

(b) to remove, reconstruct or make any addition to any portion of such building which is within the street alignment;

in any order which he issues concerning, the rebuilding, alteration or repair of such building, require such building to be set back to the street alignment.

(2) When any building or any part thereof within the street alignment falls down or is burnt down or is, whether by order of the executive authority or otherwise, taken down, or when any private land without any building thereon lies within the street alignment, the executive authority may forthwith take possession on behalf of the Council of the portion of land within the street alignment and, if necessary, clear it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the Municipal Council.

LIBRARY ARCHIVES Kerala Legislative Assembly

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the executive authority takes possession of any land under sub-section (2), the Council shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation.—The expression 'direct damage' as used in sub-section (4) with reference to land means the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of the site.

Setting buildings forward to improve line of street.

156. The Council may upon such terms as it thinks fit allow any building to be set forward for the purpose of improving the line of a public street and may, by notice, require any building to be so set forward in the case of reconstruction thereof or of a new construction.

Explanation.—For the purpose of this section a wall separating any premises from a public street shall be deemed to be a building and it shall be deemed a sufficient compliance with permission or requisition to set forward a building to the street alignment if a wall of such material and dimensions as are approved by the executive authority is erected along the said line.

Projected streets.

157. (1) The Council may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) The width of such proposed streets shall not ordinarily be less than 40 feet or in any area covered by huts, 20 feet.

(3) It shall be the duty of the Council to lay out public streets in areas covered by huts, so far as may be practicable, both for the purpose of securing proper ventilation for huts in such areas, and in view to the contingency of buildings being erected therein.

(4) When any plan has been prepared under sub-section (1) the street to which it refers shall be deemed to be a projected public street, and the provisions of section 155 shall apply to all buildings so far as they stand across the street alignment or building line of the projected street.

LIBRARY ARCHIVES Kerala Legislative Assembly

158. The Council shall, so far as it considers requisite for the public convenience and so far as funds permit, cause the chief public streets to be watered and for that purpose may provide such water-carts, animals and apparatus as it thinks necessary.

Watering of streets.

159. The executive authority may by an order in writing temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water supply or lighting or any of the purposes of this Act:

Temporary closure of streets.

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

160. It shall not be lawful for any person without the permission of the executive authority to displace, take up or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

Protection of appurtenances and materials of streets.

161. When by a certificate of an officer of the Public Works Department of a rank not below that of an Assistant Engineer it appears to the Council that having regard to the average expense of repairing roads in the neighbourhood extraordinary expenses have been incurred by the Municipal Council in repairing a street by reason of the damage caused by excessive weight passing along the street or extraordinary traffic thereon, the Council may recover in the District Court having jurisdiction from any person by or in consequence of whose order such weight or traffic has been conducted the amount of such expenses as may be proved to the satisfaction of such Court to have been incurred by such Council by reason of the damage arising from such weight or traffic as aforesaid:

Power of Municipality to recover expenses caused by extraordinary traffic.

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with the Council for the payment to it of a composition in respect of such weight or traffic and thereupon the persons so paying shall not be subject to any proceedings under this section.

162. (1) Subject to sub-section (5) of this section no person shall use;

(a) any motor vehicle for carrying passengers for hire or

(b) any motor lorry on any public street in any Municipality except on a license obtained from the executive authority.

Licensing of motor vehicles plying for hire and motor lorries.

LIBRARY ARCHIVES Kerala Legislative Assembly

(2) The Municipal Council may, with the previous approval of the Government, make rules determining the rates of fares from passengers and of freight for goods carried in such vehicles and specifying the other conditions on which such licenses may be granted.

(3) Every license granted under sub-section (1) shall expire at the end of the year in which it is granted.

(4) (a) Any person aggrieved by an order of the executive authority under sub-section (1) may appeal against such order to the Municipal Council.

(b) The period of limitation for such appeal shall be

(i) When the appeal is against an order refusing a license. — 15 days from the date of communication of the order to the applicant and

(ii) When the appeal is against an order granting a license. — 30 days from the date of issue of the order.

(5) When a motor vehicle has been licensed under the Cochin Motor Vehicles Act to be used for hire partly outside Municipal limits and partly within such limits no fee shall be charged for a license granted under sub-section (1) in respect of such vehicle, and the conditions specified in such license shall relate only to the Act of the use of the public streets in the Municipality by such vehicle.

PRIVATE STREETS.

Owners' obligation to make a street when disposing of land as building sites.

163. If the owner of any land utilises, sells, leaves or otherwise disposes of such land or any portion or portions of the same as sites for the construction of buildings he shall save in such cases as the site or sites may abut on an existing public or private street, lay down and make a street or streets or road or roads giving access to the site or sites and connecting with an existing public or private street.

Making of new private streets.

164. (1) Any person intending to make or lay out a new private street shall send to the Municipal Office a written application with plans and section showing the following particulars, namely—

(a) the intended level, direction and width of the street,

(b) the street alignment and the building line, and

LIBRARY ARCHIVES Kerala Legislative Assembly

(c) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the street.

(2) The provisions of this Act and of any rules or by-laws made under this Act as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (1); and all the particulars referred to in that sub-section shall be subject to approval by the Municipal Council.

(3) Within 60 days after the receipt of any application under sub-section (1) the Council shall either sanction the making of the street on such conditions as it may think fit, or disallow it, or ask for further information with respect to it.

(4) Such sanction may be refused—

(i) if the proposed street would conflict with any arrangements which have been made, or which are in the opinion of the Council likely to be made for carrying out any general scheme for the laying out of streets;

(ii) if the proposed street does not conform to the provisions of the Act, rules and by-laws referred to in sub-section (2); or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) No person shall make or lay out any new private street without or otherwise than in conformity with the orders of the Council. If further information is asked for, no steps shall be taken to make or lay out the street until orders have been passed upon receipt of such information:

Provided that the passing of such order shall not in any case be delayed for more than 60 days after the Council has received all the information which it considers necessary to enable it to deal finally with the said application. Any application not disallowed within a period of 90 days from the date of receipt in the Municipal Office shall be deemed to have been sanctioned.

Alteration or demolition of street made in breach of section 164.

165. (1) If any person makes or lays out any street referred to in section 164, without or otherwise than in conformity with the orders of the Council, the executive authority may whether or not the offender be prosecuted under this Act by notice—

(a) require the offender to show sufficient cause by a written statement signed by him and sent to the executive authority on or before such day as may be specified in the notice,

LIBRARY ARCHIVES Kerala Legislative Assembly

why such street should not be altered to the satisfaction of the executive authority, or if such alteration be impracticable, why such street should not be demolished; or

(b) require the offender to appear before the executive authority either personally or by a duly authorised agent on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the executive authority why such street should not be so altered or demolished the executive authority may pass an order directing the alteration or demolition of such street.

Power of executive authority to order work to be carried out or to carry it out himself in default.

166. (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, drained, conserved or lighted to the satisfaction of the executive authority he may by notice require the owners or occupiers of buildings or lands fronting or abutting on such street or part thereof to carry out any work, which in his opinion may be necessary and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the executive authority may, if he thinks fit, execute it and the expenses incurred shall be paid by the owners or occupiers in default according to the frontage of their respective buildings or lands and in such proportion as may be settled by the executive authority.

Right of owners to require street to be declared public.

167. If any street has been levelled, paved, metalled, flagged, channelled, drained, conserved and lighted under the provisions of section 166 such street shall, on the requisition of not less than $\frac{3}{4}$ of the owners thereof be declared a public street.

ENCROACHMENT ON STREETS.

Prohibition against obstructions in or over streets.

168. No one shall build any wall or erect any fence or other obstruction, or projection, or make any encroachment in or over any street except as hereinafter provided.

Public streets open to all.

169. All streets vested in or to be vested in or maintained by a Municipal Council shall be open to persons of whatever caste or creed.

LIBRARY ARCHIVES Kerala Legislative Assembly

Prohibition and regulation of doors, ground floor, windows and bars opening outwards.

170. (1) No door, gate, bar or ground-floor, window shall without a license from the executive authority be hung or placed so as to open outwards upon any street.

(2) The executive authority may, by notice, require the owner of such door, gate, bar or window to alter it so that no part thereof, when open, shall project over the street.

Removal of encroachments.

171. The executive authority may by notice require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar or ground-floor, window), situated against or in front of such premises and in or over any street.

(2) If the owner or occupier of the premises proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give any person a prescriptive title thereto or that it was erected or made with the permission or license of any Municipal authority duly empowered in that behalf, and that the period, if any, for which the permission or license is valid has not expired, the Municipal Council shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

Power to allow certain projections and erections.

172. (1) The Council may grant a license, subject to such conditions and restrictions as it may think fit to the owner or occupier of any premises to put up verandahs, balconies, sun-shades, weather frames and the like, to project over a street or in streets in which the construction of arcades has been sanctioned by the Council, to put up an arcade; or to construct any step or drain covering necessary for access to the premises.

(2) The executive authority may grant a license, subject to such conditions and restrictions, as he may think fit, for the temporary erection of pandals and other structures in a public street vested in the Council or in any other public place the control of which is vested in the Council.

(3) The Council shall have power to lease road-sides and street margins vested in it for the occupation on such terms and conditions and for such period as the Council may fix.

(4) But neither a license under sub-section (1) nor a lease under sub-section (3) shall be granted if the projection,

LIBRARY ARCHIVES Kerala Legislative Assembly

construction or occupation is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road as such.

(5) The Government may, by notification, restrict and place under such control, as they may think fit, the exercise by Municipal Councils in general or by any Municipal Council in particular, of the powers under sub-sections (1) and (3).

(6) On the expiry of any period for which a license has been granted under this section, the executive authority may, without notice, cause any projection or construction put up under sub-section (1) or (2) to be removed, and the cost of so doing shall be recoverable in the manner provided in section 341, from the person to whom the license was granted.

Precautions during repair of streets.

173. (1) The executive authority shall, during the construction or repair of any street, drain or premises vested in the Municipal Council—

(a) cause the same to be fenced and guarded,

(b) take proper precautions against accident by shoring up and protecting the adjoining building, and

(c) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The executive authority shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The executive authority shall with all reasonable speed complete the said work, fill in the ground, and repair the said drain, street or premises and remove the rubbish occasioned thereby.

Prohibition against removal of bars and lights.

174. No person shall without lawful authority remove any bar, chain, post or shoring timber or remove or extinguish any light set up.

Prohibitions against making holes and causing obstructions.

175. (1) No person shall make a hole or cause any obstruction in any street unless he previously obtains the permission of the executive authority and complies with such conditions as that officer may impose,

(2) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be

LIBRARY ARCHIVES Kerala Legislative Assembly

sufficiently fenced and enclosed until the hole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

Occupation of poramboke without license.

176. (1) If any person without the previous sanction of the Council occupies any land belonging to it or vested in it or under its control, he shall be bound to pay in respect of such occupation such sums as may be demanded by the Council by way of penalty from time to time.

(2) In default of payment of any such sum, the Magistrate on the requisition of the executive authority, shall recover it, if necessary, by issuing a warrant with all such powers of distress or sale as are vested in him by any law in force.

License for work on buildings likely to cause obstruction.

177. If any person intends to construct or demolish any building or to alter or repair the outward part thereof and if any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a license from the executive authority in that behalf and shall also—

(a) cause the said building to be fenced and guarded;

(b) sufficiently light it during the night, and

(c) take proper precautions against accidents during such time as the public safety or convenience requires.

Clearing of debris of fallen houses, etc., by occupiers.

178. If any obstruction is caused in any street by the fall of trees, structures or fences the owner or occupier of the premises concerned shall within 12 hours of the occurrence of such fall or within such further period as the executive authority may, by notice, allow, clear the street of such obstruction.

ACT OF TRAFFIC, ETC.

Act of traffic, etc.

179. The Council shall have power, with the approval of Government, to make after previous publication by-laws to regulate traffic in streets, and traffic in the backwater or in canals and the use of wharves, jetties, landing places and the protection of all Government and Municipal works connected therewith.

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USE OF PUBLIC PARKS, ETC.

Use of public parks, etc.

180. The Council may, with the approval of Government, after previous publication, make by-laws to regulate the use of parts, gardens, and other public or Municipal places.

NAMING OF STREETS.

Naming of public streets.

181. (1) The Council shall give names to new public streets and may alter the name of any public street.

(2) The executive authority shall cause to be put up or painted in English and in Malayalam on a conspicuous part of some building, wall or place, at or near each end, corner or entrance the name of every public street.

(3) No person shall, without lawful authority, destroy, pull down, or deface any such name or put up any name different from that put up by order of the executive authority.

NUMBER ON BUILDINGS.

Numbering of Buildings.

182. (1) The executive authority may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the premises.

(2) No person shall, without lawful authority, destroy, pull down, or deface any such number.

(3) When a number has been affixed under sub-section (1) the owner of the building shall be bound to maintain such number and to replace it if removed or defaced, and if he fails to do so, the executive authority may by notice require him to replace it.

CHAPTER X.—BUILDING ACTS.

General Powers.

Building Rules.

183. (1) The Government may, after previous publication, make rules—

(a) for the Act or restriction of the use of sites for building, and

(b) for the Act or restriction of building.

(2) Without prejudice to the generality of the power conferred by sub-section (1) clause (a), rules made under that clause may provide that no insanitary or dangerous site shall be used for building; and

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(3) Without prejudice to the generality of the power conferred by sub-section (1) clause (b) rules made under that clause may provide for the following matters:—

(a) information and plans to be submitted together with applications for permission to build;

(b) height of building, whether absolute or relative to the width of streets;

(c) level and width of foundation, level of lowest floor and stability of structure;

(d) number or height of stories composing a building and height of rooms;

(e) provision of sufficient open space external or internal and adequate means of ventilation;

(f) provision of means of egress in case of fire·

(g) provision of secondary means of access for the removal of filth;

(h) materials and methods of construction of external and party walls; roofs and floors;

(i) position, materials and methods of construction of hearths, smoke escapes, chimneys; stair cases, latrines, drains, cess-pools;

(j) paving of yards;

(k) restrictions on the use of inflammable materials in building; and

(l) in the case of wells, the dimensions of the well, the manner of enclosing it, and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water.

Building site and construction or re-construction of buildings.

184. No piece of land shall be used as a site for the construction of a building and no building shall be constructed or re-constructed otherwise than in accordance with the provisions of this part and of any rules or by-laws made under this Act relating to the use of building sites or the construction or re-construction of buildings:

Provided that the Government may in respect of all Municipalities, or in respect of any particular Municipality or portion thereof with the consent of that particular Municipal Council exempt all buildings or any class of buildings from all or any of the provisions of this Chapter or the said rules.

LIBRARY ARCHIVES Kerala Legislative Assembly

185. (1) The Council may give public notice of its intention to declare—

Power of Council to regulate future construction of certain classes of buildings in particular street or localities.

(a) that in any street or portion of streets specified in the notice;

(i) continuous building will be allowed,

(ii) the elevation and construction of the frontage of all buildings thereafter constructed or re-constructed, shall in respect of their architectural features be such as the Council may consider suitable to the locality, or

(b) that in any locality specified in the notice the construction of only detached buildings will be allowed; or

(c) that in any street, portion of street or locality specified in the notice, the construction of shops, warehouses, factories, huts or buildings of a specified architectural character or buildings destined for particular uses will not be allowed, without the special permission of the Council.

(2) No objection to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The Council shall consider all objections received within the said period, and may then confirm the declaration, and before doing so, may modify it, but not so as to extent its effect.

(4) The executive authority shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct or reconstruct any building in contravention of any such declaration.

186. (1) The Council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

Buildings at corner of streets.

(2) For any land so acquired the Municipal Council shall pay compensation.

(3) In determining such compensation allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

LIBRARY ARCHIVES Kerala Legislative Assembly

187. No external roof, verandah, pandal or wall of a building shall be constructed or reconstructed of grass, leaves, mats or other inflammable materials except with the permission of the executive authority.

Prohibition against use of inflammable materials for buildings without permission.

188. No door, gate, bar, or ground-floor window which opens on any public street shall be constructed or reconstructed so as to open outwards except with the license of the executive authority under section 170.

Prohibition against constructing doors, ground-floor, windows and bars so as to open outwards.

BUILDINGS OTHER THAN HUTS.

189. (1) If any person intends to construct or reconstruct a building other than a hut he shall send to the executive authority

Application to construct or reconstruct building.

(a) an application in writing for the approval of the site, together with a site plan of the land, and

(b) an application in writing for permission to execute the work together with a ground-plan, elevations and sections of the building, and specification of the work.

Explanation:—'Building' in this sub-section shall include a wall or fence of whatever height bounding or abutting on any public street.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such manner as may be required under rules or by-laws.

190. The executive authority shall not grant permission to construct or reconstruct a building unless and until he has approved of the site on an application made under section 189.

Necessity for prior approval of site.

191. The construction or reconstruction of a building shall not be begun unless and until the executive authority has granted permission for the execution of the work.

Prohibition against commencement of work without permission.

192. Within thirty days after the receipt of any application made under section 189 for approval of a site or of any information or further information required under rules or by-laws the executive authority shall by written order

Period within which executive authority is to signify approval or disapproval.

LIBRARY ARCHIVES Kerala Legislative Assembly

either approve the site or refuse on one or more of the grounds mentioned in section 195 to approve the site.

Period within which executive authority is to grant or refuse to grant permission to execute work.

193. Within thirty days after the receipt of any application made under section 189 for permission to execute any work or of any information or of documents or further information or documents required under rules or by-laws, the executive authority shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 195 to grant it:

Provided that the said period of thirty days shall not begin to run until the site has been approved under section 192.

Reference to Council if executive authority delays grant or refusal of approval or permission.

194. (1) If, within the period prescribed by section 192 or section 193, as the case may be, the executive authority has neither given nor refused his approval of a building site, or his permission to execute any work, as the case may be, the Council shall be bound, on the written request of the applicant, to determine by written order whether such approval or permission should be given or not.

(2) If the Council does not, within one month from the receipt of such written request determine whether such approval or permission should be given or not, such approval or permission shall be deemed to have been given; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made under this Act.

Grounds on which approval of site for, or license to construct or reconstruct building may be refused.

195. The only grounds on which approval of a site for the construction or reconstruction of a building or permission to construct or reconstruct a building may be refused are the following, namely:—

(1) that the work, or use of the site for the work or any of the particulars comprised in the site plan, ground paln, elevations, sections or specification would contravene some, specified provision of any law, or some s pecified order, rule, declaration or by-law made under any law;

(2) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or by-laws;

LIBRARY ARCHIVES Kerala Legislative Assembly

(3) that any of the documents referred to in section 189 have not been signed as required under rules or by-laws;

(4) that any information or documents required by the executive authority under rules or by-laws has or have not been duly furnished;

(5) that streets or roads have not been made as required by section 163; or

(6) that the proposed building would be an encroachment upon Government or Municipal land

Whenever the executive authority or the Council refuses to approve a building-site for a building or to grant permission to construct or reconstruct a building, the reasons for such refusal shall be specifically stated in the order or resolution.

Lapse of permission.

196. If the construction or reconstruction of any building is not completed within the period specified the permission shall lapse and a fresh application shall be made before the work is continued.

Power of executive authority to require alteration of work.

197. (1) If the executive authority finds that the work—

(a) is otherwise than in accordance with the plans or specifications which have been approved; or

(b) contravenes any of the provisions of this Act or any by-law, rule, order or declaration made thereunder,

he may, by notice, require the owner of the building within a period stated either –

(i) to make such alterations as may be specified in the said notice with the object of bringing the work into conformity with the said plans or provisions, or

(ii) to show cause why such alterations should not be made.

(2) If the owner does not show cause as aforesaid, he shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid the executive authority shall, by an order, cancel the notice issued under sub-section (1) or confirm the same subject to such modifications as he may think fit.

LIBRARY ARCHIVES Kerala Legislative Assembly

198. Notwithstanding anything contained in any of the preceding sections; the executive authority may, at any time, stop the construction or reconstruction of any building, if in his opinion, the work in progress endangers human life.

Stoppage of work endangering human life.

WELLS.

199. The provisions of section 189, section 190, section 191, section 96, section 197, and section 198 shall, so far as may be, apply to a well.

Application of certain sections to wells.

HUTS.

200. (1) Every person who intends to construct or reconstruct a hut shall send to the executive authority—

Application to construct or reconstruct huts.

(a) an application for permission to execute the work, and

(b) a site plan of the land.

(2) Every such application and plan shall contain the particulars and be prepared in the manner required by rule or by-law.

201. The construction or reconstruction of a hut shall not be begun unless and until the executive authority has granted permission for the execution of the work on an application sent to him under section 200.

Prohibition against commencement of work without permission.

202. Within fourteen days after the receipt of any application made under section 200 for permission to construct or reconstruct a hut or of any information or plan or further information or fresh plan required under rules or by-laws, the executive authority shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 204 to grant it.

Period within which executive authority is to grant or refuse to grant permission to execute the work.

203. (1) If, within the period prescribed by section 202, the executive authority has neither granted nor refused to grant permission to construct or reconstruct a hut, the Council shall be bound, on the written request of the applicant to determine by written order whether such permission should be granted or not.

Reference to Council if executive authority delays passing orders.

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(2) If the Council does not, within thirty days from the receipt of such written request, determine whether such permission should be granted or not, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work but not so as to contravene any of the provisions of this Act or any rules or by-laws made under this Act.

Grounds on which permission to construct or reconstruct hut may be refused.

204. The only grounds on which permission to construct or reconstruct a hut may be refused are the following namely:—

(1) that the work or use of the site for the work would contravene some specified provision of any law or some specified order, rule, by-law or declaration made under any law ;

(2) that the application for permission does not contain the particulars or is not prepared in the manner required under rules or by-laws ;

(3) that any information or plan required by the executive authority under rules or by-laws has not been duly furnished ;

(4) that streets or roads have not been made as required by section 163 ; or

(5) that the proposed building would be an encroachment upon Government or Municipal land.

Whenever the executive authority or the Council refuses to grant permission to construct or reconstruct a hut the reasons for such refusal shall be specifically stated in the order or resolution.

Lapse of permission.

205. If the construction or reconstruction of any hut is not completed within the period specified the permission shall lapse and a fresh application shall be made before the work is continued.

EXTERNAL WALLS, ALTERATIONS AND ADDITIONS.

Maintenance of external walls in repair.

206. The owner or occupier of any building adjoining a public street shall keep the external part thereof in proper repair with lime-plaster or other material to the satisfaction of the executive authority.

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207. (1) The provisions of this chapter and of any rules or by-laws made under this Act relating to construction and reconstruction of buildings shall also be applicable to any alteration thereof or addition thereto:

Application of provisions to alterations and additions.

Provided that works of necessary repair which do not affect the position or dimension of a building or any room therein shall not be deemed an alteration or addition for the purposes of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimension of a building or room such question shall be referred to the Council whose decision shall be final.

POWERS OF THE EXECUTIVE AUTHORITY.

208. (1) If the executive authority is satisfied

(i) that the construction or reconstruction of any building or well—

Demolition or alteration of building work unlawfully commenced carried on or completed.

(a) has been commenced without obtaining the permission of the executive authority or (where an appeal or reference has been made to the Council) in contravention of any order passed by the Council, or

(b) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based, or

(c) is being carried on, or has been completed in breach of any of the provisions of this Act or of any rule or by-law made under this Act or of any direction or requisition lawfully given or made under this Act or such rules or by-laws, or

(ii) that any alterations required by any notice issued under section 197 have not been duly made, or

(iii) that any alteration of or addition to any building or any other work made or done for any purpose in, to or upon any building has been commenced or is being carried on or has been completed in breach of section 207, he may make a provisional order requiring the owner or the builder to demolish the work done, or so much of it as, in the opinion of the executive authority has been unlawfully executed or to make such alterations as may, in the opinion of the executive authority, be

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necessary to bring the work into conformity with the Act, by-laws, rules, direction or requisition as aforesaid, or with the plans and particulars on which such permission or order was based; and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building or well.

(2) The executive authority shall serve a copy of the provisional order made under sub-section (1) on the owner of the building or well together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the executive authority the executive authority may confirm the order with any modification he may think fit to make and such order shall then be binding on the owner.

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EXEMPTIONS.

209. (1) Any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant-house, summerhouse (not being a dwelling-house), poultry-house or aviary, shall be exempted from the provisions of this chapter other than section 188 provided the building be wholly detached from, and situated at a distance of at least ten feet from the nearest adjacent building.

Exemptions.

(2) The executive authority may grant permission at his discretion on such terms as he may decide in each case to erect for a specified period temporary huts or sheds for stabling, for watching crops, for storing tools or materials or for other similar purposes. On expiry of the period specified, the executive authority may, by notice, require the owner of such hut or shed to demolish it.

CHAPTER XI.—NUISANCES.

DANGEROUS STRUCTURES, TREES AND PLACES.

210. (1) If any structure appears to the executive authority to be in a ruinous state and dangerous to the passers-by or to the occupiers of neighbouring structures the executive authority may, by notice, require the owner or occupier to fence off, take down, secure or repair such structure so as to prevent any danger therefrom.

Precautions in case of dangerous structures.

(2) If immediate action is necessary, the executive authority shall himself before giving such notice or before the period of such notice expires, fence off, take down, secure or repair such structure or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in section 341.

(3) If, in the opinion of the executive authority, the side structure, is immunently dangerous to the inmates thereof the executive authority shall order the immediate evacuation thereof and any person disobeying may be removed by any police officer.

Precautions in case of dangerous trees.

211. (1) If any tree or any branch of a tree or the fruit of any tree appears to the executive authority to be likely to fall and thereby endanger any person or any structure the executive authority may, by notice, require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary the executive authority shall himself before giving such notice or before the period of such notice expires secure, lop or cut down the said tree or remove the fruits thereof or fence off a part of any street or take such other temporary measures, as he thinks fit to prevent danger and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in section 341.

Precautions in case of dangerous tanks, wells, holes, etc.

212. (1) If any tank, pond, well, hole, stream, dam, bank or other place appears to the executive authority to be for want of sufficient repair, protection or enclosure, dangerous to the passers-by or to persons living in the neighbourhood, the executive authority may, by notice, require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary, he shall before giving such notice or before the period of notice expires, himself take such temporary measures, as he thinks fit, to prevent danger, and the cost of doing so shall be recoverable from the owner in the manner provided in section 341.

Power to stop dangerous quarrying.

213. If, in the opinion of the executive authority, the working of any quarry or the removal of stone, earth or other material from any place is dangerous to persons residing in or having

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legal access to the neighbourhood thereof or creates or is likely to create a nuisance, or is likely to damage any public street or road the executive authority may require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place or to take such order with such quarry or place as he shall deem necessary for the purpose of preventing danger or damage or of abating the nuisance arising or likely to arise therefrom.

Precautions against fire.

214. (1) The executive authority may, by notice, require the owner of any structure, booth or tent partly or entirely composed of or having any external roof, verandah, pandal or wall partly or entirely composed of cloth, grass, leaves, mats, or other highly inflammable materials to remove or alter such tent, booth structure, roof, verandah, pandal or wall or may grant him permission to retain the same on such conditions as the executive authority may think necessary to prevent danger from fire.

(2) The executive authority may, by notice, require any person using any place for the storage for private use of timber firewood, or other cumbustible things to take special steps to guard against danger from fire.

(3) Where the executive authority is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, he may, with the sanction of the Council, by notice, require the owner or occupier of the building to alter or reconstruct any staircase in such manner or to provide such additional or emergency staircase as he may direct, and when any building, booth or tent is used for purposes of public entertainment he may require, subject to such sanction as aforesaid that it shall be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress, that the seating be so arranged as not to interfere with free access to the exits and that gang-ways, passages and staircases leading to the exits shall during the presence of the public, be kept clear of obstructions.

CONTROL OVER WATERS, ETC.

Prohibition of construction of wells, tanks, etc., without the executive authority's permission.

215. (1) No new well, tank, pond, cistern, fountain or the like shall be dug or constructed without the permission of the executive authority.

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(2) The executive authority may grant permission subject to such conditions as he may deem necessary, or may for reasons to be recorded by him, refuse it.

(3) If any such work is begun or completed without such permission the executive authority may either:—

(a) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the executive authority shall direct, or

(b) grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub- section (1).

Filling in of pools, etc., which are a nuisance.

216. (1) If, in the opinion of the executive authority,

(a) any pool, ditch, tank, well, pond bog swamp, quarry, hole, drain, cess-pool, pit, water course, or any collection of water, or

(b) any land on which water may, at any time, accumulate is or likely to become a breeding place of mosquitoes or in any other respect a nuisance, the executive authority may, by notice, require the owner or person having control thereof to fill up, cover over, weed and stock with larvicidal fish, petrolize, drain, or drain off the same in such manner and with such materials as the executive authority shall direct or to take such order with the same for removing or abating the nuisance as the executive authority shall direct.

(2) If a person on whom a requisition is made under sub-section (1) to fill up, cover over or drain off a well, delivers to the executive authority within the time specified for compliance therewith written objections to such requisition, the executive authority shall report such objections to the Council, and shall make further inquiry into the case, and he shall not institute any prosecution for failure to comply with such requisition except with the approval of the Council, but the executive authority may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance proceed in accordance with section 336 and, pending the Council's disposal of the question whether the said well shall be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes and in every such case the executive authority shall determine with the approval of the Council whether the expenses of any work already done as aforesaid shall be paid by such person or

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by the executive authority out of the Municipal fund or shall be shared and, if so, in what proportion.

Act for prohibition of certain kinds of cultivation.

217. The Council on the report of the Director of Public Health that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the Municipality is injurious to the public health may, with the previous sanction of the Government, by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that when such cultivation, or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the Municipal fund to all persons interested for any damage caused to them by absolute prohibition.

Cleansing of insanitary private tank or well used for drinking.

218. (1) The executive authority may, by notice, require the owner of or person having control over any private water course, spring, tank, well or other place, the water of which is used for drinking, bathing or washing clothes to keep the same in good repair and to cleanse it of silt, refuse or vegetation and to protect it from pollution by surface drainage in such manner as the executive authority may think fit.

(2) If the water of any place which is used for drinking, bathing or washing clothes, as the case may be, is proved to the satisfaction of the executive authority to be unfit for the purpose, the executive authority may, by notice, require the owner or person having control thereof to—

(a) refrain from using or permitting the use of such water, or

(b) close or fill up such place or enclose it with a substantial wall or fence.

Duty of Council in respect of public well or receptacle of stagnant water.

219. The Municipal Council shall maintain in a cleanly condition all wells, tanks and reservoirs which are not private property, and may fill them up or drain them when it appears necessary to do so.

Public wells, etc., open to all.

220. All such wells, tanks and reservoirs when maintained by the Municipal Council shall be open to use and enjoyment by persons of whatever caste or creed.

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221. The Council may, in the interests of the public health, regulate or prohibit the washing of animals, clothes or other things, or fishing in any public spring, tank, well, public water course or part thereof within the Municipality and may set apart any such place for drinking or for bathing or for washing clothes, or animals, respectively or for any other specified purpose.

Prohibition against or act of washing animals or clothes or fishing or drinking in public water courses, tanks, etc.

222. (1) The Council may construct or provide and maintain public wash-houses or places for the washing of clothes, and may require the payment of such rents and fees for the use of any such wash-house or place as it may determine.

Provision of public wash-houses.

(2) The Council may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as it may think fit.

(3) If a sufficient number of public wash-houses or places be not maintained under sub-section (1), the Council may, without making any charge therefor appoint suitable places for the exercise by washermen of their calling.

223. (1) The Council may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, either within the Municipality or outside the Municipality within three miles of the boundary thereof, except at—

Prohibition against washing by washermen at unauthorised places.

(a) public wash-houses or places maintained or provided under section 222, or

(b) such other places as it may appoint for the purpose.

(2) When any such prohibition has been made no person who is by calling a washerman shall, in contravention of such prohibition, wash clothes except for himself or for personal and family service or for hire on and within the premises of the hirer, at any place within or without Municipal limits other than a public wash-house or a place maintained or appointed under this Act:

Provided that this section shall apply only to clothes washed within or to be brought within the Municipality.

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224. It shall not be lawful for any person to—

Prohibition against defiling water of tanks, etc., whether public or private.

(a) bathe in or in any manner defile the water in any place set apart by the Council or by the owner thereof for drinking purposes; or

(b) deposit any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes; or

(c) wash clothes in any place set apart as aforesaid for drinking or bathing; or

(d) wash any animal or any cooking utensil or wool, skins or other foul or offensive substance or deposit any offensive or deleterious matter in any place set apart as aforesaid for bathing or washing clothes; or

(e) cause or suffer to drain into or upon any place set apart as aforesaid for drinking, bathing or washing clothes or, cause or suffer anything to be brought thereinto or do anything whereby the water may be fouled or corrupted.

CONTROL OVER ABANDONED LANDS ,UNTRIMMED HEDGES, ETC.

225. If any building or land by reason of abandonment, disputed ownership or other cause remains untenanted and thereby becomes a resort of idle and disorderly persons or, in the opinion of the executive authority becomes a nuisance, the executive authority may, after due enquiry, by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

Untenanted buildings or land.

226. The executive authority may, by notice, require the owner or occupier of any building or land which appears to him to be in a filthy or unwholesome state, or over-grown with any thick, prickly or noxious vegetation, trees or under-growth injurious to health or offensive to the neighbourhood, to clear, cleanse or otherwise put the land in proper state or to clear away and remove such vegetation, trees or under-growth within twenty-four hours or such longer period and in such manner as may be specified in the notice.

Removal of filth or noxious vegetation.

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227. If any tree or branch of any tree appears to the executive authority to be likely to be a nuisance to the adjacent house or wells or tanks the executive authority may, by notice, require the owner of the said tree to chop, secure or cut down the said trees so as to prevent the nuisance therefrom.

Securing trees adjacent to house or well.

228. The executive authority may, by notice, require the owner or occupier of any building or land near a public street to—

Fencing of buildings or lands.

(a) fence the same to the satisfaction of the executive authority; or

(b) lower an enclosing wall or fence which by reason of its height and situation obstructs the view of traffic so as to cause danger.

229. The executive authority may without notice—

Pruning of hedges and trees.

(a) trim or prune any hedge bordering on a public street so that it may not exceed such height from the level of the adjoining road-way as the executive authority may determine, or

(b) cut and trim any hedge or trees overhanging the said street and obstructing it or the view of traffic or causing it damage.

CONTROL OVER INSANITARY BUILDINGS.

230. The executive authority, if it appears to him necessary for sanitary purposes so to do, may by notice require the owner or occupier of any building to lime-wash or otherwise cleanse the building inside and outside, in the manner and within a period to be specified in the notice.

Lime-washing and cleansing of buildings.

231. (1) Whenever the executive authority considers—

Further powers with reference to insanitary buildings.

(a) that any building or portion thereof is by reason of its having no plinth or having a plinth of insufficient height or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleansing, attended with danger or disease to the occupiers thereof or to the inhabitants of the neighbourhood or is, for any reason likely to endanger the public health or safety, or

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(b) that a block or group of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid,

he may, by notice, require the owners or occupiers of such buildings or portions of buildings or at his option, the owners of the land occupied by such buildings or portions of buildings, to execute such works or take such measures as he may deem necessary for the prevention of such danger.

(2) No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder, or so far demolished as to require re-construction, in which cases the Municipal Council shall make compensation to the owner thereof.

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity, the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first-named building in proportion to the increased value acquired by their own property to the full amount of such increased value.

(4) When any building is so far demolished under this section as to require reconstruction, allowance shall be made in determining the compensation for the benefit accruing to the premises from the improvement thereof.

Buildings unfit for human habitation.

232. (1) If any building or portion thereof intended for or used as a dwelling place appears to the executive authority to be unfit for human habitation, he may apply to the Council to prohibit the further use of such structure; for such purpose and the Council may, after giving the owner and occupiers of the structure a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid.

(2) When any such prohibitory order has been made, the executive authority shall communicate the purport thereof to the owner and occupiers of the structure and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier of such structure shall use or suffer it to be used for human habitation until the executive authority certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the Council withdraws the prohibition.

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(3) When such prohibitory order has remained in operation for three months the executive authority shall report the case to the Council, which shall, thereupon consider whether the structure should not be demolished. The Council shall give the owner not less than thirty days' notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the Council is of opinion that the structure has not been rendered fit for human habitation and that the steps are not being taken with due diligence to render it so fit and that the continuance of the structure is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood; it shall record a decision to that effect, with the grounds of the decision, and the executive authority shall, in pursuance of the said decision, by notice, require the owner to demolish the structure.

(5) If the owner undertakes to execute forthwith the works necessary to render the structure fit for human habitation the executive authority may postpone the execution of the decision of the Council for such time not exceeding six months as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

Abatement of overcrowding in dwelling-house or dwelling-place.

233. (1) If it appears to the executive authority that any dwelling house or other building which is used as a dwelling place, or any room in such dwelling house or building, is so overcrowded as to endanger the health of the inmates thereof he may apply to a Magistrate to abate, such overcrowding, and the Magistrate, after such inquiry as he thinks fit to make, may by written order, require the owner of the building, or room, within a reasonable time not exceeding four weeks to be specified in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

(2) The Council may, by written order, declare what amount of superficial and cubic space shall be deemed for the purposes of sub-section (1) to be necessary for each occupant of a building or room.

(3) If any building or room referred to in sub-section (1) has been sub-let, the landlord of the lodgers, tenants or other actual inmates of the same, shall, for the purposes of this section, be deemed to be the owner of the building or room.

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(4) It shall be incumbent on every tenant, lodger or other inmate of a building or room to vacate on being required by the owner so to do, in pursuance of any requisition made under sub-section (1).

CONTROL OVER CERTAIN ANIMALS.

234. No person shall feed or permit any animal, which is kept for dairy purpose or may be used for food, to be fed on filth.

Prohibition against feeding certain animals on filth.

235. No person shall keep any animal on his premises so as to be a nuisance or so as to be dangerous.

Prohibition against keeping animal so as to be a nuisance or danger.

236. (1) The Council may, and, if so directed by the District Magistrate shall, give public notice that unlicensed pigs or dogs straying within specified limits will be destroyed.

Power to destroy stray pigs and dogs.

(2) When such notice has been given any person may destroy, in any manner not inconsistent with the terms of the notice, any unlicensed pig or dog (as the case may be) found straying within such limits.

GENERAL.

237. (1) When the executive authority takes down any structure or part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit in virtue of his powers under this chapter the executive authority may sell the materials or things taken down, cut down or removed, and apply the proceeds in or towards payment of the expenses incurred;

Power of executive authority to use or sell materials of dangerous structure taken down, etc., and procedure when there is no owner or occupier.

(2) If after reasonable inquiry it appears to the executive authority that there is no owner or occupier to whom notice can be given under any section in this chapter he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expense incurred by the sale of such property (not being land) or of any portion thereof.

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238. (1) No person shall, for purposes of advertisement of any kind, create or cause to be created any noise by musical instruments or otherwise in or on any public street and other public places.

Making noise by musical instruments or otherwise in public streets and other public places for purposes of advertisement prohibited.

(2) No person shall play or allow to be played gramaphones or such like other musical instruments in hotels, restaurants, coffee or tea shops after 10 p. m. and before 5 a. m.

Playing of musical instruments in hotels, restaurants, etc., prohibited between 10 p. m. and 5 a. m.

239. No person shall be entitled save as provided in sections 216 and 231 to compensation for any damages sustained by reason of any action taken by the Municipal Authorities in pursuance of their powers under this chapter.

Limitation of compensation.

CHAPTER XII.—LICENSES AND FEES.

General provision as to Licenses.

240. Nothing in this chapter shall be construed as requiring the Government to take out a license in respect of any place in the occupation or under the control of or any property belonging to the Government.

Exemption of Government from taking out license.

KEEPING OF ANIMALS.

241. (1) The owner or occupier of any stable, veterinary infirmary, stand, shed, yard, or other place in which quadrupeds are kept or taken in for purposes of profit, shall, in the first month of every year or in the case of a place to be newly opened within one month before the opening of such place, apply to the executive authority for a license for the use of the same for any such purpose of profit.

Licenses for places in which animals are kept.

(2) The executive authority, may, by an order and under such restrictions and acts as he thinks fit, grant or refuse to grant such license :

Provided that this section shall not apply to any such place licensed as a place of public entertainment or resort under the Places of Public Resorts Act.

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(3) No person shall, without or otherwise than in conformity with a license, use any place for such a purpose.

General powers of control over stables, cattle-sheds and cow-houses.

242. (1) All stables, cattle-sheds and cow-houses shall be under the survey and control of the executive authority as regards their site, construction, materials, and dimensions.

(2) The executive authority may, by notice, require that any stable, cattle-shed or cow-house be altered, paved, drained, repaired, disinfected or kept in such a state as to admit of its being sufficiently cleaned or be supplied with water, or be connected with a sewer or be demolished.

(3) Every such notice shall be addressed to the owner of the building or land to which the stable, cattle-shed or cow-house belongs, or for the use of the occupants of which the same was constructed or is continued.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the said owner.

Power to direct discontinuance of use of buildings as stable, cattle-shed or cow-house.

243. If any stable, cattle-shed or cow-house is not constructed or maintained in the manner required by or under this Act, the executive authority may, by notice, direct that the same shall no longer be used as a stable, cattle-shed or cow-house. Every such notice shall state the grounds on which it proceeds.

Provision of public cattle-stands and sheds.

244. (1) The Council may construct or provide and maintain public landing places, halting places and cart-stands and may levy rents and fees for the use of the same.

(2) A statement in English and Malayalam of any fee fixed by the Council for the use of such place shall be put up in a conspicuous part of every such place where they are leviable.

(3) The Council may farm out the collection of such rents and fees for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

Explanation.—A cart-stand shall, for the purpose of this Act, include a stand for carriages and animals.

Prohibition of private landing-places, halting-places, bus-stands and cart-stands.

245. No person shall open for the purpose of hiring out, a new private landing place, halting place, bus-stand or cart-stand or continue to keep open a private landing place, halting place, bus-stand or cart-stand within Municipal limits or at distance within one mile from such limits.

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Prohibition of use of public places or sides of public street as cart-stand, etc.

246. Where a Municipal Council has provided a public landing place, halting place or cart-stand the executing authority may prohibit the use for the same purpose by any person within such distance thereof, as may be determined by the Municipal Council, of any public place or the sides of any public street.

Recovery of cart-stand fees, etc.

247. If the fee leviable under section 244 is not paid on demand, it shall be recoverable in the manner laid down for the recovery of an unpaid toll.

INDUSTRIES AND FACTORIES.

Purposes for which places may not be used without license.

248. (1) The Council may publish a notification in the Cochin Government Gazette and by beat of drum that no place within Municipal limits or at a distance within one mile of such limits shall be used for any one or more of the purposes specified in Schedule V without the license of the executive authority and except in accordance with the conditions specified therein :

Provided that no such notification shall take effect—

(a) until sixty days from the date of publication, and

(b) except with the previous sanction of the Government in any area outside the Municipal limits.

(2) The owner or occupier of every such place shall, within thirty days of the publication of such notification, apply to the executive authority for a license for the use of such place for such purpose.

(3) The executive authority may, by an order and under such restrictions and acts as he thinks fit, grant or refuse to grant such license.

(4) Every such license shall expire at the end of the year unless for special reasons the executive authority considers it should expire at an earlier date; when it shall expire at such earlier date as may be specified therein.

(5) Applications for renewal of such licenses shall be made not less than thirty days before the end of every year and applications for licenses for places to be newly opened shall be made not less than thirty days before they are opened.

LIBRARY ARCHIVES Kerala Legislative Assembly

249. (1) Every person intending—

Application to be made for construction, establishment or installation of factory, work-shop or work-place in which steam or other power is to be employed.

(a) to construct or establish any factory, work-shop or work-place in which it is proposed to employ steam-power, water-power or other mechanical power or electrical power, or

(b) to instal in any premises any machinery or manufacturing plant driven by a steam, water or other power as aforesaid.—

shall before beginning such construction, establishment or installation, make an application in writing to the Municipal Council for permission to undertake the intended work.

(2) The application shall be accompanied by—

(i) a plan of the factory, work-shop, work-place or premises prepared in such manner as may be prescribed by rules made in this behalf by the Government, and

(ii) such particulars as to the power, machinery, plant or premises as the Municipal Council may require by by-laws made in this behalf.

(3) The Municipal Council shall, as soon as may be after the receipt of the application—

(a) grant the permission applied for, either absolutely or subject to such conditions as it thinks fit to impose, or

(b) refuse permission, if it is of opinion that such construction, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or that it is likely to cause a nuisance.

(4) Before granting permission under sub-section (3) the Municipal Council—

(a) shall obtain the approval of the Inspector of Factories appointed under the Cochin Boilers Act, as regards the plan of the factory, work-shop, work-place or premises with reference to—

(i) the adequacy of the provisions for ventilation and lights,

(ii) the sufficiency of the height and dimensions of the rooms and doors,

(iii) the suitability of the exits to be used in case of fire, and

LIBRARY ARCHIVES Kerala Legislative Assembly

(iv) such other matters as may be prescribed by rules made by the Government; and

(b) shall consult and have due regard to the opinion of the Municipal Health Officer when the Municipal Council employs such an officer and of the Director of Public Health in other cases, as regards the suitability of the site of the factory, work-shop, work-place or premises for the purpose specified in the application.

(5) The grant of permission under this section shall not be deemed to dispense with the necessity for compliance with the provisions of the rules relating to the construction of buildings.

Council may issue directions for abatement of nuisance caused by steam or other power.

250. (1) If in any factory, work-shop, or work-place in which steam power, water power, or other mechanical power or electrical power is used nuisance is, in the opinion of the Municipal Council, caused by reason of the particular kind of fuel employed or by reason of the noise or vibration created, the Municipal Council may issue such directions as it thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in carrying out such directions or if abatement is found impracticable, the Municipal Council may—

(a) prohibit the use of the particular kind of fuel employed; or

(b) restrict the noise or vibration by prohibiting the working of the factory, work-shop or work-place between the hours of 9-30 p. m. and 5-30 a. m.

Power of the Government to pass orders or give directions to Municipal Councils.

251. The Government may, either generally or in any particular case make such order or give such directions as they may deem fit in respect of any action taken or omitted to be taken under section 249 or section 250.

The Chairman may enter any factory, work-shop or work-place.

252. (1) The executive authority or any person authorised by him in this behalf may enter any factory, work-shop or work-place,—

(a) at any time between sun-rise and sun-set;

(b) at any time when any industry is being carried on; and

LIBRARY ARCHIVES Kerala Legislative Assembly

(c) at any time by day or by night if he has reason to believe that any offence is being committed under section 249 or section 250.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of any force necessary for the purpose of effecting an entrance under this section.

SLAUGHTERING.

Provision of Municipal slaughter houses.

253. (1) The Municipal Council shall provide a sufficient number of places for use as Municipal slaughter houses and may charge rents and fees for their use.

(2) The Council may farm out the collection of such rents and fees for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

(3) Municipal slaughter houses may be situated within or with the sanction of the Government, without the Municipality.

License for slaughter houses.

254. (1) The owner of any place within Municipal limits or at a distance within one mile of such limits which is used as a slaughter house for the slaughtering of animals or for the skinning or cutting up of any carcasses, shall in the first month of every year or in the case of a place to be newly opened, one month before the opening of the same, apply to the executive authority for a license:

Provided that this sub-section shall not take effect in any area outside the Municipal limits except with the previous sanction of the Government.

(2) The executive authority may by an order and subject to such restrictions and regulations as to supervision and inspection as he thinks fit, grant or refuse to grant such license.

Slaughter of animals during festivals and ceremonies.

255. The executive authority may allow any animal to be slaughtered in such places as he thinks fit on occasions of festivals and ceremonies or as a special measure.

Slaughter of animals for sale as food.

256. No person shall slaughter within the Municipality except in a public or licensed slaughter house, any cattle, horse, sheep, goat or pig for sale as food or skin or cut up any carcass, without or otherwise than in conformity with a license from the executive authority, or dry or permit to be dried any skin in such a manner as to cause a nuisance:

LIBRARY ARCHIVES Kerala Legislative Assembly

Provided that the executive authority may authorise any person to slaughter without license and without the payment of any fee, any animal for the purpose of a religious ceremony.

THE MILK TRADE.

257. (1) No person shall without or otherwise than in conformity with a license from the executive authority—

Act of Milk trade.

(a) carry on within the Municipality the trade or business of a dealer in or importer or seller or hawker of milk or dairy produce;

(b) use any place in the Municipality for the sale of milk or dairy produce:

Provided that no such license shall be given to any person who is suffering from a dangerous disease.

(2) Such license may be refused or may be granted on such conditions as the executive authority may deem necessary which may extend to the construction, ventilation, conservancy, supervision and inspection of the premises, whether within or without Municipal limits, where the animals from which the milk supply is derived are kept.

MARKETS, BUTCHERS, FISH-MONGERS, HAWKERS.

258. All markets which are acquired, constructed, repaired or maintained out of the Municipal fund shall be deemed to be public markets and such markets shall be open to all persons of whatever caste or creed.

Public markets.

259. (1) (a) The Council may provide places for use as public markets.

Powers in respect of public markets.

(b) The Council, if it considers that any private market is not amply serving the commercial needs of the public, may move the Government to acquire under section 268 of this Act the right of holding such private markets and shall after such acquisition establish a public market in place of such private market.

Right of establishing public markets in place of private markets.

(2) The Council may in any public market levy any one or more of the following fees at such rates and may place the collection of such fees under the management of such person, as may appear to it proper or may farm out such fees on such terms and subject to such conditions as it may deem fit:—

LIBRARY ARCHIVES Kerala Legislative Assembly

(a) fees for the use of, or for the right to expose goods for sale in, such markets;

(b) fees for the use of shops, stalls, pens or stands in such markets;

(c) fees and vehicles or pack animals carrying or on persons bringing, goods for sale in such markets;

(d) fees on animals bought for sale into, or sold in such markets; and

(e) license fees on brokers, commission agents, weighmen and measurers practising their calling in such markets.

(3) The Council may, with the sanction of the Government, close any public market or part thereof.

Executive authority's control over public markets.

260. (1) No person shall, without the permission of the executive authority, or if the rents and fees have been farmed out of the farmer, sell or expose for sale any animal or article within any public market.

(2) The executive authority may expel from any public market any person who or whose servant has been convicted of disobeying any by-laws at the time in force in such market and may prevent such person from further carrying on by himself or his servants or agents any trade or business in such market or occupying any shop, stall or other place therein, and may determine any lease or tenure which such persons may possess in any such shop, stall or place.

Licensing of private markets.

261. (1) No person shall open a new private market or continue to keep open a private market unless be obtains from the Council a license to do so.

(2) Application for such license shall be made by the owner of the place in respect of which the license is sought, not less than six weeks before such place is opened as a market or before the commencement of the year for which the license is sought, as the case may be.

(3) The Council shall, as regards private markets already lawfully established and may, irrespective of the distance from and the days of any of the markets in existence and at its discretion, as regards new private markets, grant the license applied for subject to such acts as to supervision and inspection and to such conditions as to sanitation, drainage, water supply, width of paths and ways, weights and measures to be used, and rents and fees to be charged in such market as the Council may,

LIBRARY ARCHIVES Kerala Legislative Assembly

think proper; or the Council may refuse to grant any such license for any new private market. The Council may, however, at any time, for breach of the conditions thereof suspend or cancel any license which has been granted under this section. The Council may also modify the conditions of the license to take effect from a specified date.

(4) When a license is granted, refused, suspended, cancelled or modified under this section, the Council shall cause a notice of such grant, refusal, suspension, cancellation or modification in English and Malayalam to be posted in some conspicuous place at or near the entrance to the place in respect of which the license was sought or had been obtained.

(5) Every license granted under this section shall expire at the end of the year.

Fee for license.

262. When a license granted under section 261 permits the levy of any fee of the nature specified in sub-section (2) of section 259, a fee not exceeding 15 per cent of the gross income of the owner from the market in the preceding year shall be charged by the Municipal Council for such license.

Sale in unlicensed private market.

263. It shall not be lawful for any person to sell or expose for sale any animal or article in any unlicensed private market.

Powers of Counc in respect of private markets.

264. The Council may by notice require the owner, occupier, or farmer of any private market to—

(a) construct approaches, entrances, passages, gates, drains and cesspits for such markets and provide it with latrines of such description and in such position and number as the Council may think fit;

(b) roof and pave the whole or portion of it or pave any portion of the floor with such material as will in the opinion of the Council secure imperviousness and ready cleansing;

(c) ventilate it properly and provide it with a supply of water;

(d) provide passages of sufficient width between the stalls and make such alterations in the stalls, passages, shops, doors or other parts of the market as the Council may direct; and

(e) keep it in a cleanly and proper state and remove all filth and refuse therefrom.

LIBRARY ARCHIVES Kerala Legislative Assembly

Suspension or refusal license in default.

265. (1) If any person after notice is given to him in that behalf by the Council fails, within the period, and in the manner laid down in the said notice to carry out any of the works specified in section 264, the Council may suspend the license of the said person or may refuse to grant him a license, until such works have been completed.

(2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

Prohibition against nuisances in private markets.

266. No owner, occupier, agent or manager in-charge of any private market, or of any shop, stall, shed or other place therein shall keep the same so that it is a nuisance or fail to cause anything that is a nuisance to be at once removed to the place to be notified by the Council.

Power to close private markets.

267. The Council or any officer duly authorised by it in that behalf may close any private market in repect of which no license has been applied for or the license for which has been refused with-held or suspended or which is held or kept open contrary to the provisions of this Act.

Acquisition of rights of private persons to hold private markets.

268. (1) Government may, for the purpose and at the instance of any Municipality, acquire under the Land Acquisition Act the rights of any person to hold a private market in any place and to levy fees therein. Such rights shall be deemed to be land for the purpose of that Act.

(2) On payment of the compensation awarded under the said Act in respect of such property and any other charges incurred in acquiring it the rights of such persons to hold a private market and to levy fees therein shall vest in the Municipal Council.

Duty of expelling lepers, etc., from markets and power to expel disturbers.

269. The person in charge of a market shall prevent the entry therein or expel therefrom any person suffering from leprosy, in whom the process of ulceration has commenced or from any infectious or contagious disease, who sells or exposes for sale therein any article or who, not having purchased the same, handles any articles exposed for sale therein, and he may expel therefrom any person who is creating a disturbance therein.

LIBRARY ARCHIVES Kerala Legislative Assembly

270. (1) No person shall, without or otherwise than in conformity with a license from the executive authority, carry on the trade of a butcher, fish-monger or poulterer, or use any place for the sale of flesh or fish intended for human food in any place within Municipal limits or at a distance within one mile of such limits:

Butcher's, fish-monger's and poulterer's license.

Provided that no license shall be required for a place used for the selling or storing for sale of preserved flesh or fish contained in air-tight and hermetically sealed receptacles:

Provided further that this sub-section shall not take effect in any area outside the Municipal limits except with the previous sanction of the Government.

(2) The executive authority may, by an order and subject to such restrictions as to supervision and inspection as he thinks fit grant or refuse to grant such license.

(3) Every such license shall expire at the end of the year in which it is granted unless for special reasons the executive authority considers it should expire at an earlier date; when it shall expire at such earlier date as may be specified therein.

271. The executive authority may, with the sanction of the Council prohibit by the public notice or license or regulate the sale or exposure for sale, of any animal or article in or on any public street or part thereof.

Power to prohibit or regulate the sale of articles in public streets.

272. If any question arises whether any place is a market or not the Municipal Council shall make a reference to the Government and the decision of the Government on the question shall be final.

Decision of disputes as to whether places are markets.

INSPECTION OF PLACES FOR SALE, ETC.

273. It shall be the duty of the executive authority to make provision for the constant and vigilant inspection of animals, carcasses meat, poultry game, flesh, fish, fruit, vegetables, corn bread, flour, milk, ghee, butter, oil, and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale, or of preparation for sale.

Duty of executive authority to inspect.

LIBRARY ARCHIVES Kerala Legislative Assembly

Powers of executive authority for purposes of inspection.

274. (1) The executive authority or any person authorised by him in writing for the purpose, may without notice enter any slaughter house or any place where animals, poultry or fish intended for food are exposed for sale or where articles of food are being manufactured or exposed for sale, at any time by day or night when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

(2) If the executive authority or any person so authorised by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcass is being skinned or cut up, or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale, or sold without, or otherwise than in conformity with a license, he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provision of laws, by-laws, or acts or any condition of a license is being contravened.

(3) No claim shall lie against an executive authority or any person acting under his authority or the Council for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of any force necessary for effecting an entry into any place under this section.

(4) In any legal proceeding in respect of powers exercised under this section in which it is alleged that any animal, poultry, fish or articles of food was not kept exposed, hawked about, manufactured, prepared, stored, packed, cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.

Preventing inspection by executive authority.

275. No person shall, in any manner whatsoever, prevent the executive authority or person duly authorised by him exercising his powers under section 274.

Power of executive authority to seize diseased animal, noxious food, etc.

276. If any animal, poultry or fish intended for food appears to the executive authority or to a person duly authorised by him, to be diseased, or any food appears to him to be noxious, or if any vessel or utensil used in manufacturing, preparing or containing such article appears to be of such kind or in such state as to render the article noxious, he may seize or carry away or secure such animal, article,

LIBRARY ARCHIVES Kerala Legislative Assembly

utensil or vessel in order that the same may be dealt with as hereinafter provided.

Explanation:—Meat subject to the process of blowing shall be deemed to be noxious.

Removing or interfering with article seized.

277. No person shall remove or in any way interfere with an animal or article secured under section 276.

Power to destroy article seized.

278. (1) When any animal or article of food is seized under section 276, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed in such manner as to prevent its being used for human food or exposed for sale and if the article is perishable, without such consent.

(2) Any expense incurred in destroying any animal or article under sub-section (1) shall be paid by the owner or person in whose possession such article was at the time of its seizure.

Production of articles, etc., seized before Magistrate and powers of Magistrate to deal with them.

279. (1) Articles of food, animals, poultry, fish, utensils, vessels, etc., seized under section 276 and not destroyed under section 278 shall as soon as possible, be produced before a Magistrate.

(2) Whether or not complaint is laid before a Magistrate of any offence under the Cochin Penal Code or under this Act, if it appears to the Magistrate on taking such evidence as he thinks necessary that any such animal, poultry or fish is diseased or any such article is noxious or any such utensil or vessel is of such kind or in such state as is described in section 276 he may order the same—

(a) to be forfeited to the Council;

(b) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure, in such manner as to prevent the same being again exposed or hawked about for sale, or used for sale human food or for the manufacture, or preparation of, or for containing, any such article as aforesaid.

DISPOSAL OF THE DEAD.

Registration or closing of ownerless places for disposal of the dead.

280. (1) Every owner or person having the control of any place used at the date of the coming into operation of this Act as a place for burying, burning or otherwise disposing of the dead shall, if such place be not already registered apply to the Council to have such place registered.

LIBRARY ARCHIVES Kerala Legislative Assembly

(2) If it appears to the Council that there is no owner or person having the control of such place, it shall assume such control and register such place, or may, with the sanction of the Government, close it.

Licensing of places for disposal of the dead.

281. (1) No new place for the disposal of the dead, whether public or private, shall be opened, formed, constructed, or used unless a license has been obtained from the Council on application.

(2) Such application for a license shall be accompanied by a plan of the place to be registered, showing the locality, boundary and extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the Council may require.

(3) The Council may—

(a) grant or refuse a license, or

(b) postpone the grant of a license until objections to the site have been removed or any particulars called for by it have been furnished.

Provision of burial and burning grounds and crematoria within or without Municipality.

282. (1) The Council may, and shall, if no sufficient provision exists, provide at the cost of the Municipal fund places to be used as burial or burning grounds or crematoria either within or without the limits of the Municipality, and may charge rents and fees for the use thereof.

(2) The Council may farm out the collection of such rents and fees for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

(3) If the Council provides any such place without the limits of the Municipality, all the provisions of this Act and all by-laws framed under this Act for the management of such places within the Muncipality shall apply to such place.

Register of registered, licensed and provided places and prohibition of use of other places.

283. (1) A book shall be kept at the Municipal Office in which the places registered, licensed or provided under section 280, 281, or 282, and all such places registered, licensed or provided before the commencement of this Act, shall be recorded and the plans of such places shall be filed in such office.

(2) Notice that such place has been registered, licensed or provided as aforesaid shall be affixed in English and in

LIBRARY ARCHIVES Kerala Legislative Assembly

Malayalam to some conspicuous place at or near the entrance to the burial or burning ground or other place as aforesaid.

(3) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided as aforesaid.

Report of burials and burnings.

284. The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal of a corpse at such place to any person appointed by the executive authority in that behalf.

285. (1) If the Council is satisfied—

Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

(a) that any registered or licensed place for the disposal of the dead is in such a state or situation as to be or to be likely to become dangerous to the health of persons living in the neighbourhood thereof, or

(b) that any burial ground is over-crowded with graves,

and if in the case of a public burial or burning ground or other place as aforesaid, another convenient place duly authorised for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place,

it may, with the previous sanction of the Government give notice that it shall not be lawful after a period to be named in such notice to bury, burn or otherwise dispose of any corpse at such place.

(2) Every notice given under sub-section (1) shall be published in the Cochin Government Gazette and by beat of drum.

(3) After the expiry of the period named in such notice it shall not be lawful to bury, burn or otherwise dispose of a corpse at such place.

Application of the above sections.

286. The provisions of sections 280, 281, 283, 284 and 285 shall be deemed to apply to any place, public or private used for the disposal of the dead, whether the use is for the public generally, or for any section of it, or for a single family.

287. No person shall—

LIBRARY ARCHIVES Kerala Legislative Assembly

(a) bury or cause to be buried any corpse or part thereof in a grave whether dug or constructed of masonry or otherwise in such manner that the surface of the coffin or the surface of the body where no coffin is used, is at a less depth than five feet from the surface of the ground; or

Prohibitions in respect of corpses.

(b) build or dig or cause to be built or dug any grave in any burial ground at a less distance than two feet from the margin of any other existing grave; or

(c) without the sanction in writing of the executive authority or an order in writing of a Magistrate, re-open a grave already occupied; or

(d) convey or cause to be conveyed a corpse or part thereof to any burial or burning ground, and not cause the burial or burning of the same to commence within six hours after its arrival at such place; or

(e) when burning or causing to be burnt a corpse or part thereof, permit the same or any part thereof or its clothes to remain without being completely reduced to ashes; or

(f) carry through any street a corpse or part thereof not decently covered; or

(g) while carrying a corpse or part thereof within the Municipality leave the same in or near any street for any purpose whatever; or

(h) remove otherwise than in a closed receptacle, any corpse or part thereof kept or used for the purpose of dissection.

288. No person shall discharge the office of grave digger or other attendant at a public place for the disposal of the dead (other than a place provided by the Government) unless he has been licensed in that behalf by the executive authority. Such license may be withdrawn or cancelled at the discretion of the Council.

Grave digger's License.

289. (1) When any license, sanction, permission or registration is granted under the provisions of this Act, a fee may be charged for such license, sanction, permission or registration.

Enforcement of the licensing provisions.

(2) The rates of the fees to be so charged shall be from time to time, fixed by the Council subject to the approval of Government.

LIBRARY ARCHIVES Kerala Legislative Assembly

(3) Every license, sanction, permission or registration granted under this Act or any rule or by-law made under this Act shall specify the period, if any, for which, and the restrictions, limitations and conditions subject to which the same is granted and shall be signed by the executive authority.

(4) Every order of a Municipal authority refusing, suspending, cancelling or modifying a license or permission shall be in writing and shatl state the grounds on which it proceeds.

(5) Subject to the special provisions in Chapters X and XII regarding buildings and private markets and subject to such sanction as may be required for the refusal of a license or permission and to such appeal as may be provided in case of refusal, any license or permission granted under this Act or any rule or by-law made under it may, at any time, be suspended or revoked by the executive authority if any of its restrictions, limitations or conditions is evaded or infringed by the grantee or if the grantee is convicted of a breach of any of the provisions of this Act or any of the rule or by-law or act made under it, in any matter to which such license or permission relates or if the grantee has obtained the same by mis-representation or fraud.

(6) It shall be the duty of the executive authority to inspect places in resprct of which a license or permission is required by or under this Act and he may enter any such place between sun-rise and sun-set and also between sun-set and sun-rise if it is open to the public, or any industry is being carried on in it at the time, and if he has reason to believe that anything is being done in any place without a license or permission where the same is required by or under this act or otherwise than in conformity with the same, he may, at any time by day or night, without notice, enter such place for the purpose of satisfying himself whether any provision of law, rules, by-laws or Acts, any condition of a license or permission or any lawful direction or prohibition is being contravened, and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the executive authority or any person to whom he has lawfully delegated his powers, or by any force necessary for effecting an entrance under this sub-section.

(7) When any license or permission is suspended or revoked or when the period for which it was granted or within which application for renewal should be made has expired, whichever expires later, the grantee shall for all purposes of this Act or any rule or by-law made under it, be deemed to be without a license or permission until the order suspending or revoking the

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license or permission is cancelled or, subject to sub-section (4), until the license or permission is renewed as the case may be.

(8) Every grantee of a license or permission shall at all reasonable times, while such license or permission remains in force, produce the same at the request of the executive authority.

(9) The executive authority or any officer duly authorised by him in writing in that behalf may close any unlicensed dangerous and offensive trade in respect of which no license has been taken or license for which has been refused, with-held, revoked or suspended which is held or kept open contrary to the provisions of this Act.

(10) Whenever any person is convicted of an offence in respect of the failure to obtain a license or permission or to make a registration required by the provisions of this Act or any rule or by-law made under it, the Magistrate shall in addition to any fine which may be imposed, recover summarily and pay over to the Municipal Council the amount of the fee chargeable for the license or permission or for registration, and may in his discretion also recover summarily and pay over to the Council such amount, if any, as he may fix as the costs of prosecution.

(11) Such recovery of the fee under sub-section (10) shall not entitle the person convicted to a license or permission or to registration as aforesaid.

(12) The acceptance by the Municipal Council of the pre-payment of the fee for a license or permission or for registration shall not entitle the person making such pre-payment to the license or permission or to registration as the case may be, but only to refund of the fee in case of refusal of the license, permission or of registration, but an applicant for the renewal of a license or permission or registration shall, until communication of orders on his application, be entitled to act as if the license or permission or registration has been renewed ; and save as otherwise specially provided in this Act, if orders on an application for license or permission or for registration are not communicated to the applicant within thirty days after the receipt of the application by the executive authority the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application and subject to the law, rules, by-laws, acts and all conditions ordinarily imposed.

LIBRARY ARCHIVES Kerala Legislative Assembly

CHAPTER XIII.—VITAL STATISTICS AND THE PREVENTION OF DISEASES.

Vital Statistics.

Compulsory registration of Vital Statistics.

290. (1) The Municipal Council shall register all births and deaths occurring in the Municipality.

(2) Information of births and deaths shall be given and their registration shall be made and enforced in the manner prescribed by rules which the Government shall have power to make.

DANGEROUS DISEASES.

Definition of Dangerous disease.

291. (1) "Dangerous disease" means a disease specified in Schedule VI. The Government may after previous publication alter, add to or cancel the schedule in part in respect of all Municipalities or of any Municipality.

(2) The Government shall have power, after previous publication, to make rules for the prevention of dangerous disease and for the registration of medical practitioners.

Obligation of medical practitioner or owner or occupier of house to report dangerous disease.

292. (1) If any medical practitioner becomes cognisant of the existence of any dangerous disease in any private or public dwelling (not being a public hospital) in the Municipality, he shall inform the executive authority with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the executive authority may require. The executive authority may pay a fee not exceeding one rupee for each intimation by a private medical practitioner of a case occurring in his practice.

(3) This section shall apply to a hakim or a vaidyan

(4) With the previous approval in all cases of the Government the executive authority may direct the compulsory notification by the owner or occupier of every house within the Municipal limits during such period and to such officer as the executive authority may prescribe of all deaths from or occurrence of dangerous diseases in his house.

Power of entry into suspected places.

293. The executive authority or Health Officer may at any time by day or by night without notice, or after giving such notice as may appear to him reasonable, inspect any place in which

LIBRARY ARCHIVES Kerala Legislative Assembly

any dangerous disease is reputed or suspected to exist, and take such measures as he may think fit to prevent the spread of such disease beyond such place.

Disinfection of buildings and articles.

294. (1) If the executive authority or Health Officer is of opinion that the cleansing or disinfecting of any premises or part thereof; or of any article therein which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may by notice require the occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

(2) If the executive authority or Health Officer considers that immediate action is necessary, or that the occupier is, by reason of poverty or otherwise unable effectually to comply with his requisition, the executive authority or Health Officer may himself, without notice, cause such premises or article to be cleansed or disinfected and for this purpose may cause such article to be removed from the premises; and the expenses incurred by the executive authority or Health Officer shall be recoverable from the said occupier in case in which he is, in the opinion of the executive authority or Health Officer, not unable by reason of poverty effectually to comply with such requisition.

Provision of places for disinfection and power to destroy infected articles.

295. (1) The executive authority shall from time to time notify places at which conveyances, clothing bedding, or other articles which have been exposed to infection from any dangerous disease shall be washed or disinfected.

(2) The executive authority may direct any clothing, bedding or other article likely to retain such infection to be disinfected or destroyed and shall, on demand, give compensation for any article destroyed under this sub-section.

(3) No person shall wash such clothing or bedding or other articles in any place other than those set apart for such purposes under sub-section (1).

Prohibition against transfer of infected articles.

296. No person shall, without previously disinfecting it, give, lend, let, hire, sell, transmit or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease:

Provided that nothing in this sub-section shall apply to a person who transmits with proper precautions any articles for the purpose of having it disinfected.

LIBRARY ARCHIVES Kerala Legislative Assembly

297. If the Chief Medical Officer, the Director of Public Health or the Municipal Health Officer certifies that the water in any well, tank or other place within the limits of the Municipality is likely, if used for drinking, to engender or cause the spread of any dangerous disease, the Council may, by public notice, prohibit the removal or use of such water for drinking and domestic purposes during a specified period.

Power of Council to prohibit use of water likely to spread infections.

298. When a hospital or other place for the reception of persons suffering from dangerous diseases is provided by the Municipal Council the executive authority may, on a certificate signed by a qualified medical practitioner arrange for, or direct the removal to such hospital or place of any person suffering from a dangerous disease who is, in the opinion of such medical practitioner, without proper lodging or accommodation or without medical supervision directed to prevent the spread of the disease, or who is in a place occupied by more than one family.

Executive authority may order removal of patients to hospital.

299. If any person knows or has been certified by the Health Officer, the local medical officer or a qualified medical practitioner that he is suffering from a dangerous disease he shall not engage in any occupation, or carry on any trade or business unless he can do so without risk of spreading the disease.

Prohibition against infected person carrying on occupation.

300. (1) No person who is suffering from any dangerous disease shall, without taking proper precautions against spreading such disease, cause or suffer himself to be conveyed in a public conveyance.

Prohibition against diseased person entering public conveyance.

(2) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying the owner or driver or person in charge of such conveyance that he is so suffering.

(3) No owner or driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid in contravention of sub-section (1).

(4) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum

LIBRARY ARCHIVES Kerala Legislative Assembly

sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance, anything in any Act relating to public conveyance for the time being in force to the contrary notwithstanding.

(5) A court convicting any person of contravening sub-section (1) or sub-section (2) may levy, in addition to the penalty for the offence provided in this Act, an additional fine of such amount as the court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance. The amount of any additional fine so imposed shall be awarded by the court to the owner or driver of the conveyance:

Provided that if such additional fine is imposed in a case which is subject to appeal the amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed; or if an appeal is presented, before the decision of the appeal.

(6) At the time of awarding compensation in any subsequent civil suit relating to the same matter the court shall take into account any sum which the plaintiff shall have received under this section.

Letting of infected buildings.

301. (1) No person shall let or sub-let or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from any dangerous disease without having the same and all articles therein liable to retain infection disinfected to the satisfaction of the executive authority.

(2) For the purpose of sub-section (1), the keeper of a hotel or lodging-house shall be deemed to let the same or part of the same to any person accommodated therein.

Powers to order closure of places of public entertainment.

302. In the event of the prevalence of any dangerous disease within the Municipality, the Council may, by notice require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as it may fix.

Minor suffering from dangerous disease not to attend school.

303. No person being the parent or having the care or charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection therefrom shall, after a notice from the Health Officer or the local

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medical officer that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the Health Officer, the local medical officer or a qualified medical practitioner a certificate that in his opinion such minor may attend without undue risk of communicating such disease to others.

No fee shall be charged by the Health Officer or the local medical officer for the grant of a certificate under this section.

SMALL-POX.

Compulsory Vaccination.

304. (1) Vaccination shall be compulsory and shall be enforced in every Municipality in the manner prescribed by rules which the Government shall have power to make after previous publication.

(2) The procedure prescribed in such rules for enforcing vaccination shall be observed.

Obligation to give information of small-pox.

305. Where an inmate of any dwelling place is suffering from small-pox, the head of the family to which the inmate belongs and in his default, the occupier or person in charge of such place, shall inform the executive authority with the least practicable delay.

Prohibition of inoculation of small-pox.

306. (1) Inoculation for small-pox is hereby prohibited.

(2) No person who has undergone the operation of inoculation shall enter any Municipality before the lapse of forty days from the date of inoculation without a certificate from a medical practitioner of such class as the Council may authorise to grant such certificates, stating that such person is no longer likely to produce small-pox by contract or near approach.

PART V.

SUBSIDIARY LEGISLATION AND PENALTIES

CHAPTER XIV.—RULES, SCHEDULES AND BY-LAWS.

Power of Government to frame forms and make rules.

307. (1) The Government may frame forms for any proceedings of a Council or Chairman or Municipal officer for which they consider a form should be provided.

(2) The Government may make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

LIBRARY ARCHIVES Kerala Legislative Assembly

(3) Rules made and forms framed under this section by the Government shall be made or framed subject to the condition of previous publication and shall have the force of law.

(4) In making any rule, the Government may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.

Power of Government to alter schedules.

308. The Government shall have power, after previous publication, to alter, add to, or cancel in part or the whole of any of the following schedules attached to this Act in respect of all Municipalities or in respect of particular Municipalities with the consent of their Councils.

Schedules I, II, III, IV and V.

Effect of schedules.

309. The schedules attached to this Act shall have effect as if enacted in the body of this Act until cancelled in part or altered or added to and if altered or added to, shall have the like effect as altered or added to and all references to the said schedules shall be construed as made to such schedules as cancelled in part or altered or added to.

Power of Council to make by-laws, etc.

310. (1) The Municipal Council may, after previous publication, make by-laws whenever necessary not inconsistent with the Act or any rule or by-law made by Government.

(2) In making a by-law the Council may provide that a breach thereof shall be punishable—

(a) with fine which may extend to Rs. 50, and in case of a continuing breach with fine which may extend to Rs. 15 for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to Rs. 10 for every day during which the breach continues after receipt of notice from the executive authority to discontinue such breach.

(3) All by-laws when they shall have been duly approved by the Government shall have the force of law.

Conditions precedent to making of by-laws.

311. The Municipal Council shall, before making or altering by-laws, publish a draft of the proposed by-laws and alterations together with a notice specifying a date at or after which such draft will be taken into consideration, and shall before making the by-laws or alterations, receive and consider any objection or suggestion which may be made in

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respect of such draft by any person interested therein before the date so specified.

Confirmation of by-laws by Government.

312. (1) No by-law or cancellation or alteration of a by-law shall have effect until the same shall have been approved and confirmed by the Government.

(2) Any by-law or cancellation or alteration of a by-law when it shall have been duly confirmed shall be published in the Gazette.

Copies of Act, Rules and by-laws to be sold at Municipal Office.

313. Complete copies in English and Malayalam—

(a) of this Act;

(b) of all rules framed by the Government;

(c) of all by-laws in force for the time being;

shall be kept at the Municipal Office and shall be sold to the public at cost price.

CHAPTER XV.—PENALTIES.

General provisions regulating penalties specified in the schedules.

314. (1) Whoever—

(a) contravenes any provision of any of the sections of this Act or rules specified in the first column of Schedule VII or

(b) contravenes any rule or order made under any of the specified sections or rules, or

(c) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections or rules;

shall on conviction be punished with fine which may extend to the amount mentioned in that behalf in the fourth column of the said schedule and in every case not specifically provided for in the schedule, shall be liable to a fine extending to fifty rupees.

(2) Whoever after having been convicted of—

(a) contravening any provision of the sections or rules specified in the first column of Schedule VIII, or

(b) contravening any rule or order made under any of the specified sections or rules, or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections or rules—

LIBRARY ARCHIVES Kerala Legislative Assembly

continues to contravene the said provision or to neglect to comply with the said direction or requisition as the case may be, shall on conviction be punished, for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said schedule, and if there is no specific provision in the schedule, to twenty rupees.

Explanation.—The entries in the third column of Schedules VII and VIII headed "Subject" are not intended as definitions of offences described in the sections, sub-sections or clauses mentioned in the first and second columns or even as abstracts of those sections, sub-sections or clauses but are inserted merely as references to the subject of the sections, sub-sections or clauses as the case may be.

Penalty for acting as Councillor, Chairman or Vice-Chairman when disqualified.

315. (1) Whoever acts as a member of a Municipal Council knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office, shall, on conviction, be punished with fine not exceeding two hundred rupees for every such offence.

(2) Whoever acts as or exercises the functions of the Chairman or Vice-Chairman of a Municipal Council knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office or to exercise such functions shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

(3) If the Chairman or Vice-Chairman of a Municipal Council fails to hand over any document of, or any money or other property vested in, or belonging to, the Municipal Council which has come into his possession or control, to his successor in office or other prescribed authority, in every case as soon as his term of office as Chairman or Vice-Chairman expires and in the case of the Vice-Chairman also on demand by the Chairman, such Chairman or Vice-Chairman shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

Penalty for acquisition by Municipal officer of interest in contract or work.

316. If any Municipal Officer or servant knowingly acquires, directly or indirectly, by himself or by a partner or employer or servant, any personal share or interest in any contract or employment with, by, or on behalf of the Municipal Council, he shall be deemed to

LIBRARY ARCHIVES Kerala Legislative Assembly

have committed an offence under section 154 of the Cochin Penal Code:

Provided that no person shall by reason of being a shareholder in, or member of, any company, be held to be interested in any contract entered into between such company and the Council, unless he is a director of such company.

Penalty for omission to take out license for vehicle or animal.

317. (1) Every owner or person in charge of any vehicle or animal liable to tax under section 88 who omits to obtain a license shall, on conviction be punished with fine not exceeding fifty rupees and shall also pay the amount of the tax payable by him in respect of such vehicle or animal.

(2) On payment of such fine and tax and of such costs as may be awarded, such owner or person shall receive a license for the vehicle or animal in respect of which he has been fined and for the period during which he has been found to be in default.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section 91 fails to pay such sum; and the amount due for a license, shall, in such case be taken as the amount so compounded for.

Penalty for unlawful building.

318. If the construction or re-construction of any building or well—

(a) is commenced without the permission of the executive authority, or

(b) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(c) is carried on or completed in contravention of any lawful order or in breach of any provision contained in this Act or in any rule or by-law made hereunder or of any direction or requisition lawfully given or made, or

if any alterations or additions required by any notice issued under the provisions of the rules framed under section 183 of this Act are not duly made, or

if any person to whom a direction is given by the executive authority to alter or demolish a building or well under the provisions of the said rules fails to obey such direction,

LIBRARY ARCHIVES Kerala Legislative Assembly

the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a building to five hundred rupees and in the case of a well or hut to fifty rupees, and to a further fine of which may extend in the case of a building to one hundred rupees, and in the case of a well or hut to ten rupees, for each day during which the offence is proved to have continued after the first day.

Notice to scavengers before discharge.

319. (1) In the absence of a written contract to the contrary, every scavenger employed by the Municipal Council shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Penalty for withdrawal of scavengers without notice.

(2) Should any scavenger employed by the Council, in the absence of a written contract authorising him so to do, and without reasonable cause, resign his employment or absent himself from his duties, without giving one month's notice to the Council or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding Rs. 50 or to imprisonment of either description which may extend to two months.

Application of sub-sections (1) and (2) to other Municipal servants.

(3) The Government may, by notification, direct that on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to scavengers shall apply also to any specified class of Municipal servants whose functions intimately concern the public health or safety.

Wrongful restraint of executive authority and his delegates.

320. Every person who prevents the executive authority or any person to whom the executive authority has lawfully delegated his powers of entering into or on any land or building from exercising his lawful power of entering thereinto or thereon shall be deemed to have committed an offence under section 172 of the Cochin Penal Code.

Penalty for not giving or giving false information.

321. If any person who is required by the provisions of this Act or by any notice or other proceedings issued under this Act to furnish any information.

LIBRARY ARCHIVES Kerala Legislative Assembly

(a) omits to furnish it, or

(b) knowing or negligently furnishes false information, such person shall be liable to a fine not exceeding Rs. 100.

PART VI.

CHAPTER XVI.—PROCEDURE AND MISCELLANEOUS.

Appeals.

Appeals from executive authority to Council.

322. (1) An appeal shall lie to the Council from—

(a) any notice issued or other action taken or proposed to be taken by the executive authority—

(i) under sections 118, 126, 133, 134, 135, 137, 197 sub-section (1) and sub-section (3), 208 sub-section (3), 210 sub-section (1), 211 sub-section (1), 216 sub-section (1), 218, 231, 242, 243;

(ii) under any by-law concerning house drainage and the connection of house drains with Municipal drains or house connections with municipal water supply or lighting mains; or

(b) any refusal by the executive authority to approve a building site under section 192; or

(c) any order of the executive authority granting or refusing a license or permission;

(d) any order of the executive authority made under section 289, sub-section (5), suspending or revoking a license; or

(e) any other order of the executive authority that may be made appealable by rules under section 307.

(2) The decision of the Council on any such appeal shall be final.

Limitation of time for appeal.

323. In any case in which no time is prescribed by the foregoing provisions of this Act for the presentation of an appeal allowed thereunder, such appeal subject to the provisions of section 5 of the Cochin Limitation Act must be presented—

(a) where the appeal is against an order granting a license or permission, within thirty days after the date of the publication of the order on the notice board of the Municipal Council, and

LIBRARY ARCHIVES Kerala Legislative Assembly

(b) in other cases, within thirty days after the date of the receipt of the order or proceeding against which the appeal is made.

POWER TO SUMMON.

Summons to attend and give evidence or produce documents.

324. The executive authority may summon any person to attend before him and to give evidence or produce documents, as the case may be in respect of any question relating to taxation, or inspection or registration or to the grant of any license under the provisions of this Act. The Government may, by notification, extend this power to any officer acting under this Act.

NOTICE, ETC.

Form of notice and permissions.

325. All notices and permissions given, issued or granted, as the case may be under the provisions of this Act, must be in writing.

ignature on documents.

326. Every license, written permission, notice, bill, schedule, summons or other document which is required by this Act or by any rule, by-law or Act made under it to bear the signature of the Chairman or executive authority or of any Municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the Chairman or executive authority or of such Municipal officer as the case may be, stamped thereon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the Municipal fund or to any deed of contract entered into by the Municipal Council.

Publication of notifications.

327. Save as otherwise provided, every notification under this Act shall be published in the Cochin Government Gazette both in English and Malayalam.

Method of serving documents.

328. (1) When any notice or other document is required by this Act or by any rule, by-law, Act or order made under it, to be served on, or sent to any person, the service or sending thereof may be effected—

(a) by giving or tendering the said document to such person, or

(b) if such person is not found, by leaving such document at his last known place of abode or business or by giving or

LIBRARY ARCHIVES Kerala Legislative Assembly

tendering the same; to some adult member or servant of his family; or

(c) if such person does not reside in the Municipality and his address elsewhere is known to the executive authority by sending the same to him by post registered; or

(d) if none of the means aforesaid be available, by fixing the same in some conspicuous part of such place of abode or business.

(e) When the person is an owner or occupier of any building or land it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or sent it to, one of such owners or occupiers.

(2) Whenever in any bill, notice form or other document served or sent under this Act a period is fixed within which any tax or other sum is to be paid or any work executed or anything provided, such period shall, in the absence from this Act of any distinct provision to the contrary, be calculated from the date of such service or sending.

LIBRARY ARCHIVES Kerala Legislative Assembly

RELATION OF OCCUPIER TO OWNER.

Recovery by occupier of sum leviable from owner.

329. If the occupier of any building or land makes on behalf of the owner thereof any payment for which under this Act the owner, but not the occupier is liable, such occupier shall be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

Obstruction of owner by occupier.

330. (1) If, the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provisions of this Act, the executive authority may, by an order, require the said occupier to permit the owner within 8 days from the date of service of such order, to execute all such works, as may be necessary.

(2) Such owner shall, for the period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of default in executing such works.

Execution of work by occupier in default of owner.

331. If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, by-law, Act or order made under it, the occupier of such building or land may, with

the approval of the executive authority execute the said work and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof, and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

EXECUTIVE AUTHORITY'S POWERS OF ENTRY AND INSPECTION.

Power of entry to inspect, survey, or execute the work.

332. The executive authority or any person authorised by him in this behalf may enter into or on any building or land with or without assistants or work-men in order to make any enquiry inspection, test, examination, survey, measurement, or valuation or for the purpose of lawfully placing or removing pipes, or meters, or to execute any other work which is authorised by the provisions of this Act or of any rule, by-law, Act or order made under it, or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions, to make or execute:

Provided that---

(a) except when it is in this Act otherwise expressly provided no such entry shall be made between sun-set and sun-rise;

(d) except when it is in this Act otherwise expressly provided, no dwelling house, and no part of a public building used as a dwelling place shall be so entered without the consent of the occupier thereof unless the said occupier has received at least 6 hours' previous notice of the intention to make such entry;

(c) sufficient notice shall be given in every case even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy may be preserved;

(d) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry to the social and religious usages of the occupants of the premises.

Power of entry on lands adjacent to works.

333. (1) The executive authority or any person authorised by him in this behalf may with or without assistants or workmen enter on any land adjoining or within 50 yards of any work authorised by this Act or by any rule, by-law, Act or order made under it, for the purpose of depositing on such land any soil, gravel, stone or other materials, or of

LIBRARY ARCHIVES Kerala Legislative Assembly

obtaining access to such work or for any other purpose connected with the carrying on thereof.

(2) The executive authority or person authorised by him as aforesaid, shall, before entering on any land under sub-section (1) give the owner and occupier 3 days' previous notice of the intention to make such entry, and state the purpose thereof; and shall, if so required by the owner or occupier, fence off so much of the land as may be required for such purpose.

(3) The executive authority shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1), but as little damage as may be shall be done and the executive authority shall pay compensation to the owner and occupier of the land for such entry, and for any temporary or permanent damage that may result therefrom.

(4) If such owner or occupier is dis-satisfied with the amount of compensation paid to him by the executive authority, he may appeal to the Council.

Inspection and stamping of weights and measures.

334. The executive authority or any person authorised by him in this behalf may examine and test the weights and measures used in markets and shops in the Municipality with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XII of the Cochin Penal Code.

POWER TO ENFORCE LICENSING PROVISIONS ORDERS, ETC.

Consequences of failure to obtain licenses, etc., or breach of the same.

335. If, under this Act or any rule, by-law or Act made under it, the license or permission of the Council or Chairman or registration in the Municipal office is necessary for the doing of any act and if such act is done without such license or permission or registration, or in a manner inconsistent with the terms of any such license or permission then—

(a) the executive authority may, by notice, require the person so doing such act to alter, remove or as far as practicable restore to its original state the whole or any part of any property movable or immovable, public or private, affected thereby, within a time to be specified in the notice and further;

(b) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be liable on conviction before a Magistrate to a fine not exceeding fifty rupees for every such offence.

LIBRARY ARCHIVES Kerala Legislative Assembly

Time for complying with order and power to enforce in default.

336. (1) Whenever by any notice, requisition, or order under this Act, or under any rule, by-law or act made under it, any person is required to execute any work or to take any measures or do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named, the executive authority may cause such work to be executed or may take any measure or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order as aforesaid ; and further ;

(3) If no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall be liable on conviction before a Magistrate to a fine not exceeding fifty rupees for every such offence.

Recovery of expenses from persons liable and limitation of liability of occupier.

337. (1) The executive authority may, subject to the provisions of section 126, recover any reasonable expenses incurred under section 336, from the person or any one of the persons to whom the notice, requisition or order was addressed, and may in executing work or taking measures under section 336 utilise any material found on the property concerned or may sell it and apply the sale proceeds in or towards the payment of the expenses incurred.

(2) If the person to whom notice is given is the owner of the property in respect of which it is given the executive authority may, (whether any action or other proceeding has been brought or taken against such owner or not) require the person, if any, who occupies such property, or any part thereof under the owner to pay to the Municipal Council, instead of to the owner, the rent payable by him in respect of such property as it falls due up to the amount recoverable from the owner under sub-section (1) or to such smaller amount as the executive authority may think proper, and any amount so paid shall be deducted from the amount payable by the owner.

(3) For the purpose of deciding whether action should be taken under sub-section (2), the executive authority may require any occupier of property to furnish information as to the sum paid by him as rent on account of such property and as to the name and address of the person to whom it is payable ; and such occupier shall be bound to furnish such information.

LIBRARY ARCHIVES Kerala Legislative Assembly

(4) The provisions of this section shall not affect any contract made between any owner and occupier respecting the payment of any such expenses.

Relief to agent and to trustees.

338. (1) When any person by reason of his receiving the rent of immovable property as agent, trustee, guardian, manager or receiver or of his being agent, trustee, guardian, manager or receiver for the person who would receive the rent if the property were let to a tenant, would, under this Act be bound to discharge any obligation imposed by this Act, or any rule, by-law, Act or order made under it on the proprietor of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or, but for his own improper act or default, might have had in his hands funds belonging to the proprietor sufficient for the purpose.

(2) The burden of proving the facts entitling a person to relief under this section shall lie on him.

(3) When any person has claimed and esthblished his right to relief under this section, the executive authority may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the proprietor; and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

Power of executive authority to agree to receive payment of expenses in instalments.

339. Instead of recovering any such expenses as aforesaid in the manner provided under section 337 the executive authority may, if he thinks fit, take an agreement from the person liable for the payment thereof to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of 6 percent per annum, within a period of not more than 5 years.

PAYMENT OF COMPENSATION, ETC., BY AND TO THE MUNICIPALITY.

Power of Municipality to pay compensation.

340. In any case not otherwise expressly provided for in this Act, the executive authority may, with the approval of the Council, pay compensation to any person who sustains damage by reason of the exercise by any Municipal authority, officer or servant, of any of the powers

LIBRARY ARCHIVES Kerala Legislative Assembly

vested in them by this Act, or any other law or by any rule, by-law, or Act made under it.

Recovery of sum due as taxes.

341. All costs, damages, penalties, compensation, charges, fees, expenses, rents, including rents for lands and buildings let out under licenses by the Municipal Councils, contributions and other sums which under this Act or any other law or rules or by-laws made thereunder or under any contract in respect of water supply, or drainage made in accordance with this Act, the rules or by-laws, are due by any person to the Council, may if there is no special provision in this Act for their recovery be demanded by a bill as provided by rules for the recovery of taxes and recovered in the manner, provided therein.

Limitation for recovery of dues.

342. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the Municipal Council under this Act after the expiration of a period of three years from the date on which distraint might first have been made, a suit might first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such sum.

Procedure in dealing with surplus sale proceeds.

343. If any property, movable or immovable, is sold under the provisions of this Act, and if there is a surplus after the sum due to the Municipal Council and the costs have been deducted from the sale proceeds, such surplus shall, if the owner of the property sold claims it within six months from the date of the sale, be paid to him by the executive authority, but if no such claim is preferred within such time, the said surplus shall be credited to the Municipal fund, and no suit shall lie for the recovery of any sum so credited.

Persons empowered to prosecute.

344. (1) No person shall be tried for any offence against the provisions of this Act or of any rule, or by-law made under it unless complaint is made by Police, or the executive authority or by a person expressly authorised in this behalf by the Council or the executive authority, within three months of the commission of the offence. But nothing herein contained shall affect the provisions of the Code of Criminal Procedure, 1086, in regard to the power of certain Magistrates to take cognisance of offences upon information received or upon their knowledge or suspicion:

LIBRARY ARCHIVES Kerala Legislative Assembly

Provided that failure to take out a license, obtain permission or secure registration under this Act shall, for the purposes of this section, be deemed a continuing offence until the expiration of the period, if any, for which the license, permission or registration is required and if no period is specified, complaint may be made at any time within 12 months from the commencement of the offence

(2) Notwithstanding the provisions contained in the Cochin Code of Criminal Procedure, Municipal charge officers who file complaints in courts of law for offences under the Municipal Act or the rules or by-laws issued thereunder need not be examined on such complaints before the issue of summonses on them.

Imprisonment in default of payment and application of fines.

345. (1) In case any fine or costs imposed or assessed by a Magistrate under this Act or under any rule or by-law made under it, shall not be paid, the Magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in the Cochin Penal Code.

(2) Any fine, costs, tax or other sum imposed or assessed by a Magistrate under this Act or under any rule or by-law made under it shall be recoverable by such Magistrate under the Code of Criminal Procedure, as if it were a fine and the same shall, on recovery, be paid to the Municipal Council to be applied to the purposes of this Act.

Payment of compensation for damage to Municipal property.

346. If, on account of any act or omission, any person has been convicted of an offence against the provisions of this Act or against any rule or by-law made under it and by reason of such act or omission damage has been caused to any property owned by or vested in the Municipal Council, the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In the event of dispute the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence on application made to him for the purpose by the executive authority not later than three months from the date of conviction; and in default of payment of the amount of compensation so determined, it shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

LIBRARY ARCHIVES Kerala Legislative Assembly

LEGAL PROCEEDINGS.

Institution of suits against Municipal authorities, officers and servants.

347. (1) No suit for damages or compensation shall be instituted against the Municipal Council, any Municipal authority, officer or servant or any person acting under the direction of the same, in respect of any act done in pursuance or execution or intended execution of this Act or any rule, by-law, Act or order made under it or in respect of any alleged neglect or default in the execution of this Act, or any rule, by-law, Act or order made under it until the expiration of one month after a notice has been delivered or left at the Municipal office or at the place of abode of such officer, servant, or person stating the cause of action, the relief sought, and the name and the place of abode of the intending plaintiff; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage during such continuance or within six months after the ceasing thereof.

(3) If any person to whom any notice is given under sub-section (1) tenders amends to the plaintiff before the suit is instituted and if the plaintiff does not recover in any such action more than the amount so tendered he shall not recover any costs incurred after such tender by the person to whom such notice has been given, and the defendant shall be entitled to costs as from the date of tender.

(4) Where the defendant in any such suit is the Chairman, the executive authority or a Municipal officer or servant, payment of the sum, or any part of any sum payable by him in, or in consequence of, the suit whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the sanction of the Council, from the Municipal fund.

Provision respecting institution, etc., of Civil and Criminal actions and obtaining of legal advice.

348. The executive authority may—

(a) take, or withdraw from, proceedings against any person who commits—

(i) any offence against this Act, the rules, by-laws or Acts;

LIBRARY ARCHIVES Kerala Legislative Assembly

(ii) any offence which affects or is likely to affect any property or interest of the Municipal Council or the due administration of this Act ;

(iii) any nuisance whatsoever ;

(b) compound any offence against this Act, the rules, by-laws or Acts which may, by rules made by the Government be declared compoundable ;

(c) with the approval of the Council take, withdraw from or compromise proceedings for the recovery of expenses or compensation claimed to be due to the Municipal Council ;

(d) with the approval of the Council withdraw or compromise any claim against any person in respect of a penalty payable under a contract entered into with such person by the executive authority ;

(e) with the approval of the Council, defend any suit or other legal proceedings brought against the Municipal Council or against any Municipal authority, officer or servant in respect of anything done or omitted to be done in its or his official capacity;

(f) with the approval of the Council compromise any claim, suit or legal proceedings brought against the Council or against any Municipal authority, officer or servant, in respect of anything done or omitted to be done as aforesaid ;

(g) with the approval of the Council institute and prosecute any suit or withdraw from or compromise any suit or claim, which has been instituted or made in the name of the Municipal Council or of the executive authority ;

(h) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain or as he may be desired by the Council to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any Municipal authority or Municipal officer or servant.

Indemnity to Municipal authorities, officers and agents.

349. No suit shall be maintainable against Government or any officer of Government acting under this Act, any Municipal authority, officer or servant or any person acting under the direction of any Municipal authority, officer or servant, or of a Magistrate, in respect of anything lawfully and in good faith and with due care and attention done under

LIBRARY ARCHIVES Kerala Legislative Assembly

this Act or any other law or any rule, by-law, Act or order made under it.

Liability of Chairman, members and executive authority for less, waste or misapplication.

350. (1) The Chairman, every Councillor and the executive authority shall be liable for the loss, waste or mis-application of any money or other property owned by or vested in the Municipal Council if such loss, waste or misapplication is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against him by the Council subject to Government sanction.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

Sanction for prosecution of Chairman, Councillor or executive authority.

351. When the Chairman, any Councillor or the executive authority is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty no court shall take cognisance of such offence except with the previous sanction of the Government.

Assessment, etc., not to be impeached.

352. (1) No assessment or demand made, and no charge imposed, under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake—

(a) in respect of the name, residence, place of business or occupation of any person, or

(b) in the description of any property or thing, or

(c) in respect of the amount assessed, demanded or charged :

Provided that the provisions of this Act have been in substance and effect, complied with. And no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any Court of Justice.

(2) No suit shall be brought in any Court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment, or collection of money made under the said authority; provided that the provisions of this Act have been, in substance and effect complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a

LIBRARY ARCHIVES Kerala Legislative Assembly

trespasser, on account of any error, defect or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto; nor shall such person be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; if the provisions of this Act, of the rules and of the by-laws, have in substance and effect been complied with :

Provided that every person aggrieved by such irregularity may recover satisfaction for any special damage sustained by him.

POLICE.

Duties of police officers.

353. (1) It shall be the duty of every police officer:—

(a) to communicate without delay to the proper Municipal officer any information which he receives of the design to commit or of the commission of any offence under this Act or any rule, by-law or Act, made under it ;

(b) to assist the Chairman, the executive authority or any Municipal officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the Chairman or the executive authority or in such Municipal officer or servant under this Act or any such rule, by-law or Act, and

(c) to assist any person employed in the collection of tolls in case of resistance to the lawful authority of such person ; and for that purpose he shall have the same power which he has in the exercise of his ordinary police duties.

(2) Any police officer who omits or refuses to perform any duty imposed on him by this Act, shall be deemed to have committed an offence under section 7 or 19 of Act I of 1058.

Power of police officer to arrest persons.

354. (1) If any police officer sees any person committing an offence against any of the provisions of this Act or of any rule or by-law made under it, he shall if the name and address of such person are unknown to him and if the said person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody—

(a) after his true name and address are ascertained, or

LIBRARY ARCHIVES Kerala Legislative Assembly

(b) without the order of a Magistrate, for any longer time, not exceeding twenty-four hours from the hour of arrest, than is necessary for bringing him before a Magistrate.

Exercise of powers of police officer by Municipal servants.

355. The Government may empower any Municipal servant or any class of Municipal servrnts to exercise the powers of a police officer for the purposes of this Act, the Motor Vehicles Act and of the Nuisance Act.

MISCELLANEOUS.

Application of term "Public Servant" to Municipal Officers, agents and sub-agents.

356. Every Municipal officer or servant, every contractor or agent for the collection of any Municipal tax, toll, fee, or other sum due to the Municipal Council and every person employed by any such contractor or agent for the collection of such tax, toll, fee or sum shall be deemed to be a Public Servant within the meaning of section 15 of the Cochin Penal Code.

Prohibition against obstruction of Municipal authorities, servants and contractors.

357. No person shall obstruct or molest the Council, the Chairman, any Councillor, the executive authority, or any person employed by the Municipal Council or any person with whom a contract has been entered into on behalf of the Council in the performance of their duty or of anything which they are empowered or required to do by virtue of or in consequence of this Act or of any by-law, rule, Act or order made under it.

Prohibition against removal of mark.

358. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or by any by-law, rule or order made under it.

Prohibition against removal or obliteration of notice.

359. No person shall, without authority in that behalf remove, destroy, deface or otherwise obliterate any notice exhibited by or under the orders of the Council or the executive authority.

Summary powers of executive authority.

360. Any person occupying any land or building belonging to the Municipality or vested in the Municipality and occupying it under licenses for specific periods may on refusal to quit at the expiry of the period and after notice in writing to quit be

LIBRARY ARCHIVES Kerala Legislative Assembly

summarily evicted by the executive authority without recourse to a civil court.

Prohibition against unauthorised dealings with public place or materials

361. No person shall, without authority in that behalf remove earth, sand or other material or deposit any matter or make any encroachment from, in or on any land vested in the Municipal Council, or river, estury, canal, backwater, or water course (not being private property) or in any way obstruct the same.

TRANSITIONAL AND TRANSITORY PROVISIONS.

Passing of property and rights to Municipality as constituted under this Act.

362. All property, all rights of whatever kinds used, enjoyed, or possessed by and all interests of whatever kind owned by or vested in or held in trust by or for, a Municipal Council as constituted under the Cochin Municipal Act, XI of 1096, as well as all liabilities legally subsisting against the said Council shall pass to the Municipal Council as constituted under this Act.

Commencement of Act.

363. This Act shall come into force on such day as the Government may, by notification in the Cochin Government Gazette, direct.

Continuance in office of present Chairman and Councillors.

364. (1) The term of office of the Chairman and of the members holding office under the Cochin Municipal Act, XI of 1096, shall expire on such date or dates after the commencement of this Act as the Government shall determine and the Government shall make appointments and cause arrangements for election to be made under this Act so that the newly elected and appointed Councillors may come into office on the date fixed for the retirement of the former Councillors and the Chairman elected or appointed under this Act on the date fixed for the retirement of the Chairman elected under the Act XI of 1096 and until they so come into office the Chairman and the Councillors appointed or elected under the Act XI of 1096, shall have all the powers and be subject to all the duties respectively of the Chairman and Councillors under this Act.

(2) On or as soon as may be after the constitution of the Council under this Act a meeting shall be held on a day and at a time fixed by the Chairman, and if not held on that day, shall be held on some subsequent day fixed by the Chairman, for the election of a Chairman by those Councils on whom this privilege has been conferred by Government.

LIBRARY ARCHIVES Kerala Legislative Assembly

365. All arrears of taxes or other payments by way of compensation for a tax or due for expenses or compensation or otherwise due to a Municipal Council at the time this Act comes into force may be recovered as though they had accrued under this Act.

Procedure for recovery of arrears of taxes, etc.

GENERAL PROVISIONS.

366. The Government may, by notification, direct that in any Municipality, any of the sections of this Act excepting those of Chapter VI shall not apply, and may modify or cancel such notification.

Application in particular Municipalities.

367. The Government may, by notification, issued after previous publication—

Special provisions in the case of newly constituted Municipal Councils.

(a) constitute any specified area into a minor Municipality, and extend to it the provisions of this Act subject to such restrictions and modifications as they may think fit;

(b) enforce either permanently or temporarily all or any of the provisions of this Act relating to scavenging (Chapter VIII), nuisances (Chapter XI), licenses and fees (Chapter XII), and vital statistics and the prevention of diseases (Chapter XIII), in any specified area in a taluk and appoint officers for carrying out these provisions. Such officer shall have the powers of a Municipal authority.

368. (1) Notwithstanding anything contained in this Act, when a Municipality is constituted for the first time, the Government may appoint a special officer to exercise the powers, discharge the duties and perform the functions of the Municipal Council and its Chairman and executive authority.

Special provision in the case of newly constituted and reconstituted Municipal Councils.

(2) The special officer shall cause arrangements for election to be made so that the newly elected Councillors may come into office on a day within six months from the date of publication of the notification under sub-section (3) of section 4 declaring the area to be a Municipality.

(3) The special officer shall exercise the powers, discharge the duties and perform the functions of the Municipal

LIBRARY ARCHIVES Kerala Legislative Assembly

Council until the Council has been constituted, of the Chairman until a Chairman has been elected by the Council, and of the executive authority until a Chairman has been elected or a Commissioner has been appointed, as the case may be.

(4) As soon as may be after the constitution of the Council, a meeting of the Council shall be held on a day and at a time fixed by the special officer for the election of its Chairman. If at such meeting no Chairman is elected, a fresh election shall be held on such day and at such time as may be fixed by the special officer.

(5) The term of office of the Councillors or of the Councillors elected in their places at casual vacancies shall expire at the end of three years if the day referred to in sub-section (2) is the first day of Vrischigam and in other cases at the end of three years from the first day of Vrischigam immediately preceding such day.

(6) The provisions of sub-sections (1) to (5) shall apply, save as otherwise provided in this Act and. so far as may be, to all cases of reconstitution of Municipal Councils.

(7) Where the number of seats on a Municipal Council is increased by or in consequence of a notification under sub-section (1) of section 7 the Councillors elected for the additional seats or the Councillors elected in their places at casual vacancies shall hold office until the date on which the Councillors elected to the original seats at the ordinary elections immediately preceding will vacate office.

REFERENCES TO CHAIRMAN IN OTHER ENACTMENTS AND NOTIFICATIONS, ETC., ISSUED THEREUNDER.

369. (1) Any reference to the Chairman of a Municipal Council contained in any enactment in force in the State or in any notification, order, scheme, rule, form or by-law made under any such enactment and in force in the said State shall where such reference relates to the executive functions of the Chairman be construed as a reference to the executive authority.

(2) If any question arises as to whether any such reference relates to the executive functions of the Chairman or not, the decision of the Government shall be final.

LIBRARY ARCHIVES Kerala Legislative Assembly

SCHEDULE I.

Companies shall be assessed by the executive authority on the following scale :—

	Paid-up Capital	Half-yearly tax. Rs.
A.	Not less than ten lakhs of rupees	250
B.	Not less than five, but less than 10 lakhs of rupees	125
C.	Not less than three, but less than five lakhs of rupees	75
D.	Not less than two, but less than three lakhs of rupees	50
E.	Not less than one, but less than two lakhs of rupees	25
F.	Less than one lakh of rupees	15

Provided that any Company, the head office or a branch or principal office of which is not in the Municipality and which shows that its gross income received in or from the Municipality has not in the year immediately preceding the year of taxation exceeded.—

(a)	Twenty-five thousand rupees, shall pay only	Rs.	125
(b)	Fifteen thousand rupees, shall pay only	Rs.	75
(c)	Five thousand rupees, shall pay only	Rs.	25

Note.—In computing the paid-up capital or the gross income of any Company which is expressed in any currency other than that in common use in Cochin, such capital or gross income shall be calculated on the value of such money in the currency in common use in Cochin, which is the same as that of British India, according to the rates of exchange prevailing on the date of assessment.

SCHEDULE II.

Tax on persons exercising professions, arts, trades and callings holding appointments or in receipt of pensions or income from investments or money lending or any source other than houses and lands inside the Municipal limits.

	Half-yearly tax. Minimum Rs.	Maximum Rs.
Class I.		
If the salary, pension or income is not less than Rs. 50, but is less than Rs. 100 a month	1	2
Class II.		
If the salary, pension or income is not less than Rs. 100, but is less than Rs. 150 a month	2	3
Class III.		
If the salary, pension or income is not less than Rs. 150, but is less than Rs. 200 a month	3	4

LIBRARY ARCHIVES Kerala Legislative Assembly

	Rs.	Rs.
Class IV.		
If the salary, pension or income is not less than Rs. 200, but is less than Rs. 250 a month	5	7
Class V.		
If the salary, pension or income is not less than Rs. 250, but is less than Rs. 300 a month	7	9
Class VI.		
If the salary, pension or income is not less than Rs. 300 but is less than Rs. 400 a month	10	12
Class VII.		
If the salary, pension or income is not less than Rs. 400, but is less than Rs. 500 a month	12	15
Class VIII.		
If the salary, pension or income is not less than Rs. 500, but is less than Rs. 750 a month	15	20
Class IX.		
If the salary, pension or income is not less than Rs. 750, but is less than Rs 1,000 a month	20	30
Class X.		
If the salary, pension or income is not less than Rs. 1,000, but is less than Rs. 1,500 a month	40	50
Class XI.		
If the salary, pension or income is not less than Rs. 1,500, but is less than Rs. 2,000 a month	60	80
Class XII.		
If the salary, pension or income is Rs. 2,000 and above a month	Rs. 80 for the first Rs. 2,000 and Rs. 15 for every Rs. 500 or part there of above the first Rs. 2,000	Rs. 100 for the first Rs. 2,000 and Rs. 20 for every Rs. 500 or part thereof above the first Rs. 2,000

SCHEDULE III.

Maximum rates of tax on carriages and animals.

The tax on carriages and animals shall be levied at rates not exceeding the following:—

	Half-yearly tax. Rs.	As.
For every motor or steam vehicle with metal tyres constructed to carry 2 tons or more	100	0
Additional charge for each trailer	50	0

LIBRARY ARCHIVES Kerala Legislative Assembly

	Rs.	As.
For every motor or steam vehicle with rubber tyres constructed to carry 2 tons or more	75	0
Additional charge for each trailer	50	0
For every motor or steam vehicle constructed to carry one ton or less than 2 tons	50	0
For every tram car, motor bus or charabance constructed to carrys 10 or more passengers	50	0
For every four-wheeled motor vehicle constructed to carry less than 10 or more than 3 passengers	25	0
For every four-wheeled motor vehicle constructed to carry 3 or less passengers	20	0
For every four-wheeled vehicle constructed to be drawn by one or more animals	10	0
For every two-wheeled vehicle constructed to be drawn by one or more animals	5	0
For every motor tricycle and every motor bicycle with side-car	15	0
For every motor bicycle without side-car	10	0
For every other bicycle or tricycle	1	0
For every other carriage not being a child's perambulator or go cart	3	0
For every elephant	12	0
For every camel	6	0
For every horse or mule not under 12 hands	6	0
For every horse or mule under 12 hands	2	0
For every bullock or bull	0	8
For every male buffalo	0	8
For every ass	0	4
For every dog or bitch	0	8
For every pig	0	8
For every rickshaw	2	0

SCHEDULE IV.

Rates of tolls.

	Rs.	A.	P.
On every four-wheeled steam or motor vehicle constructed to carry not more than five persons	0	12	0
On every four-wheeled steam or motor vehicle constructed to carry more than 5 passengers but less than 10 passengers	1	0	0
On every other steam or motor four-wheeled vehicle	2	0	0
On every steam or motor lorry	2	0	0
On every motor tricycle or motor bicycle with side-car	0	6	0
On every motor bicycle without side-car	0	4	0
On every other bicycle or tricycle	0	1	0
On every other carriage and on every cart with metal or rubber tyres	0	4	0
On every other carriage and on every cart with pneumatic tyres	0	2	0

LIBRARY ARCHIVES Kerala Legislative Assembly

	Rs.	A,	P.
On every horse, mule, ass, buffalo, bull or bullock	0	0	6
On every elephant	1	0	0
On every camel	0	4	0
On every rickshaw	0	1	0

SCHEDULE V.

Purposes for which premises may not be used without a license under section 248.

(a) Washing soiled clothes and keeping soiled clothes for the purpose of washing them and washed clothes;
(b) boiling paddy, or camphor;
(c) melting tallow or sulphur or using acids for any process;
(d) storing or otherwise dealing with manure, offal; blood, bones, rags, hides, fish, horns or skins;
(e) washing or drying wool or hair;
(f) making or storing fish oil,
(g) making soap, dyeing, boiling or pressing oil, bricks, tiles, pottery or lime;
(h) manufacturing or distilling sago, manufacturing artificial manure, manufacturing beedies;
(i) manufacturing or storing gunpowder or fire works including crackers;
(j) keeping a public halting place, choultry or other rest house for travellers (other than a choultry or a rest house maintained by the Government or a local authority), a hotel, restaurant, eating house, coffee house, boarding house or lodging house (other than a students' hostel under public or recognised control);
(k) keeping together twenty or more sheep or goats or ten or more pigs or head of cattle;
(l) preparing flour or articles made of flour for human consumption or sweet meats;
(m) manufacturing ice or aerated waters;
(n) selling or storing timber, fire-wood, thatching materials, hay, grass, straw, fibre, coal or charcoal;
(o) selling grain, rice or jaggery wholesale or storing grain, rice or jaggery for the wholesale trade;
(p) manufacturing jaggery or sugar candy;
(q) storing any explosive or combustible material,
(r) manufacturing or storing anything from which offensive or unwholesome smells arise;
(s) using for any industrial purpose any fuel or machinery;
(t) running a barber saloon; and
(u) in general, doing in the course of any industrial process anything which is likely to be dangerous to human life or health or property:

LIBRARY ARCHIVES Kerala Legislative Assembly

Provided that no license shall be required for the storage of grain, rice, timber, firewood, thatching materials, hay, grass, straw, fibre, charcoal or coal for private use.

SCHEDULE VI.

List of dangerous diseases.

(Section 291.)

Acute Pneumonia	Enteric fever	Tuberculosis
Anthrax	Glanders	Typhoid fever
Chicken-pox	Leprosy	Influenza
Cholera	Plague	Relapsing fever
Diphtheria	Small-pox	Rabies

SCHEDULE VII.

Ordinary penalties.

(Section 314.)

Section	Sub-section or clause	Subject	Fine which may be imposed
1	2	3	4
29	(1)	Interested Councillor voting or taking part in discussion	Fifty rupees
101		Attempt to evade payment of toll	do
113		Trespassing on premises connected with the water supply	do
117		Failure to maintain house connections in conformity with by-laws and acts	do
118	(2)	Failure to obey requisition to make house connection	do
125		Failure to maintain house drains, etc., in conformity with by-laws and acts	do
126	(2) and (3)	Failure to obey requisition as to house drainage	do
127	(1) (b)	Failure to obey directions as to limited use of drain or notice requiring construction of distinct drain	do
129		Unlawful construction of building over public drain	One hundred rupees

LIBRARY ARCHIVES Kerala Legislative Assembly

SCHEDULE VII.—*(cont.)*

Section	Sub-section or clause	Subject	Fine which may be imposed
1	2	3	4
130	(2)	Failure to obey requisition regarding culverts, etc, or to keep them free from obstruction	Fifty rupees
131		Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building	do
133		Failure to obey requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order	do
134		Failure to provide latrines for premises used by large number of people or to keep them clean and in proper order	do
135		Failure to obey requisition to provide latrines for market, cattle-stand or cart-stand, or to keep them clean and in proper order	One hundred rupee
136		Failure to construct latrines so as to screen person using them from view	Twenty rupees
138		Making connection with mains without permission	Two hundred rupees
143		Improper disposal of carcasses, rubbish and filth	Ten rupees
144		Failure to deposit filth in receptacle, etc.	do
145		Allowing rubbish, or filth to accumulate on premises for more than twenty-four hours, etc.	Twenty rupees
146		Allowing filth to flow in streets	Ten rupees
147		Using cart without cover in removal of filth, etc.	Twenty rupees
148		Throwing rubbish or filth into drains	do
154		Building within street alignment or building line without permission	One thousand rupees
155	(1)	Failure to obey orders to set back buildings	One hundred rupees
160		Unlawful displacement, etc., of payment or fences, posts and other materials of public street	Fifty rupees

LIBRARY ARCHIVES Kerala Legislative Assembly

SCHEDULE VII.—(*cont.*)

Section	Sub-section or clause	Subject	Fine which may be imposed
1	2	3	4
162	(1)	Using a motor vehicle for hire or a motor lorry without license or contrary to license	Two hundred rupees
163		Failure to provide roads, etc., on building sites prior to disposal	do
164	(5)	Unlawful making or laying of new private street	do
166		Failure to obey requisition to metal, etc., private street	One hundred rupees
168		Building wall or erecting fence, etc., in a public street	do
169		Obstructing a person in the use of a street	do
170		Allowing doors, ground floor, windows, etc., to open outwards, without license or contrary to notice	Twenty rupees
171		Failure to remove permanent encroachment	Two hundred rupees
172		Failure to remove temporary encroachment	Fifty rupees
174		Unlawful removal of bar, or shoring timber, etc., or removal or extinction of light	Twenty rupees
175		Unlawful making of hole or placing of obstruction in street	Fifty rupees
177		Construction, etc., of building without license where street or foot way is likely to be constructed	do
		Failure to fence, etc., such building while under repair or failure to remove obstruction	do
178		Failure to remove obstruction caused in street all of trees, etc.	do
181	(3)	Unlawful destruction, etc., of name of street	Twenty rupees
182	(2)	Unlawful destruction, etc., of number of building	Five rupees
	(3)	Failure to replace number when required to do so	Twenty rupees
186	(1)	Failure to obey requisition to round or splay off buildings at corners or streets	One hundred rupees
187		Construction of external roofs, etc., with inflammable materials	Fifty rupees

LIBRARY ARCHIVES Kerala Legislative Assembly

SCHEDULE VII.—(*cont.*)

Section	Sub-section or clause	Subject	Fine which may be imposed
1	2	3	4
188		Construction of door or window, etc., to open outwards on public street	Twenty rupees
206		Failure to keep external walls of premises in proper repair	do
210	(1)	Failure to obey requisition to take down, repair or secure dangerous structure	Five hundred rupees
211	(1)	Failure to obey requisition to secure, lop or cut down dangerous tree	Fifty rupees
212		Failure to obey requisition to repair, etc., tank or other place dangerous to passengers or persons living in neighbourhood	do
213		Failure to obey notice to discontinue working, etc.	One hundred rupees
214		Failure to obey notice regarding precautions against fire	do
215	(1)	Constructing well, etc., without permission	Fifty rupees
	(3)	Failure to obey notice to fill in or demolish well, etc.	do
216		Failure to obey requisition to repair, etc., tank or well, or drain off water, etc.	do
218		Failure to obey requisition to cleanse or close, etc., tank, well or other source of water used for drinking	do
221		Unlawful washing and fishing in river, etc., after prohibition or contrary to acts	Twenty rupees
224		Defiling water of tanks, etc.	do
225		Failure to obey requisition to enclose, clear or cleanse untenanted premises	Fifty rupees
226		Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with noxious vegetation	do

LIBRARY ARCHIVES Kerala Legislative Assembly

SCHEDULE VII.—(*cont.*)

Section	Sub-section or clause	Subject	Fine which may be imposed
1	2	3	4
227		Failure to secure trees to house or well	Twenty rupees
228		Failure to obey requisition to fence building or land, or trim, prune or cut hedges and trees	Fifty rupees
230		Failure to obey requisition to lime-wash or otherwise cleanse building	do
231		Failure to obey requisition to execute work or take other action with respect to insanitary buildings	One hundred rupees in the case of masonry building and fifty rupees in the case of hut
232	(2)	Using or allowing the use of buildings unfit for human habitation after prohibition	Twenty rupees
	(4)	Failure to obey requisition to demolish the same	do
233	(1)	Allowing overcrowding in building after order to abate the same	Ten rupees for each day
	(4)	Failure to obey requisition to vacate overcrowded building or room	do
234		Feeding animals or filth	Fifty rupees
235		Unlawful keeping of animal so as to be a nuisance or to be dangerous	Ten rupees
238	(1)	Making noise by musical instruments or otherwise in public streets and other public places for purposes of advertisement	Five rupees
	(2)	Playing of musical instruments in hotels, restaurants, etc., between 10 p. m. and 5 a. m.	do
241		Use of place as stable, cattle-stand, etc., without license or contrary to license	Fifty rupees
242		Construction or maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary legislation	do
243		Use of place as stable, cattle-shed, etc., contrary to notice issued by executive authority	Two hundred rupees
245		Opening of a new private landing-place, halting-place, bus-stand or cart-stand against the provisions contained in section 245	do

LIBRARY ARCHIVES Kerala Legislative Assembly

SCHEDULE VII.—(*cont.*)

Section	Sub-section or clause	Subject	Fine which may be imposed
1	2	3	4
246		Using public place or sides of public street as cart-stands, etc.	Twenty rupees
248	(1)	Using a place for any of the purposes specified in Schedule V without license or contrary to license	One hundred rupees
249		Unlawful erection of factory, work-shop, etc.	Five hundred rupees
250		Disobedience of order regarding abatement of nuisance	One hundred rupees
253		Use of place as slaughter-house without license or contrary to license	Two hundred rupees
256		Slaughter of animals for sale or food or skinning or cutting up of carcasses or drying skin without license.	Twenty rupees for every animal, carcass or skin
257		Carrying on milk trade without license or contrary to license	Fifty rupees
260		Sale or exposure for sale in public market of animal or article of food without license	Twenty rupees
261		Opening or keeping open private market without license or contrary to license	Five hundred rupees
263		Sale or exposure for sale of animal or article in unlicensed private market	Twenty rupees
264		Failure to obey direction to construct approaches, drains, etc., to private markets or to pave them	Fifty rupees
265	(2)	Opening or keeping open of private market after suspension or refusal of license for default to carry out works	Twenty rupees for each day
266		Nuisance in private market	Twenty rupees
270		Carrying on butcher's fish-monger's or poulterer's trade without license, etc.	One hundred rupees
271		Sale of article in public streets after prohibition or contrary to acts	Ten rupees
725		Preventing the executive authority or any person authorised by him from exercising his powers of entry, etc., under this section	Fifty rupees

LIBRARY ARCHIVES Kerala Legislative Assembly

SCHEDULE VII.—(*cont.*)

Section	Sub-section or clause	Subject	Fine which may be imposed
1	2	3	4
277		Removing or in any way interfering with an animal or article seized	Five hundred rupees
281	(1)	Opening, etc., without license a new place for the disposal of the dead	One hundred rupees
283	(3)	Use or allowance of use of burial or burning ground which has not been registered, licensed or provided	do
284		Failure to give information of burials or burnings in burial or burning ground	Twenty rupees
285	(3)	Burial or burning in place after prohibition	One hundred rupees
287		Offences in respect of corpses	Fifty rupees
288		Discharge of office of attendant at place for disposal of dead without license	Five rupees
289	(8)	Failure to produce license on request	do
305		Failure to give information of small-pox	Fifty rupees
306		Person entering Municipality within forty days of inoculation without certificate	One hundred rupees
324		Disobedience to summons	Fifty rupees
330	(1)	Failure of occupier to obey requisition to permit owner to comply with provisions of Act	Fifty rupees for each day
357		Obstructing or molesting Municipal Council, etc.	Fifty rupees
358		Removing mark set up for indicating level, etc.	do
359		Removal etc., of notice exhibited by or under orders of the Council	do
361		Unlawful removal of earth, sand or other material from land on deposit of matter or encroachment in or on river estuary, etc.	Twenty rupees

LIBRARY ARCHIVES Kerala Legislative Assembly

SCHEDULE VIII.

Penalties for continuing breaches.

(Section 314)

Section	Sub-section or clause	Subject	Daily fine which may be imposed
1	2	3	4
117		Failure to maintain house connections in conformity with by-laws and acts	Five rupees
118	(2)	Failure to obey requisitions to make house connection	do
125		Failure to maintain house drains, etc., in conformity with by-laws and acts	Ten rupees
126	(2) and (3)	Failure to obey requisition as to house drainage	do
131		Failure to obey requisition to maintain troughs and pipes for catching water from roof or other part of building	do
133		Failure to obey requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order	do
134		Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order	Twenty rupees
135		Failure to obey requisition to provide latrines for market, cattle-stand or cart-stand or to keep them clean and in proper order	do
154		Building within street alignment or building line without permission	One hundred rupees
162		Using a motor vehicle for hire or a motor lorry without license or contrary to license	Fifty rupees
171		Failure to remove permanent encroachment	Ten rupees
172		Failure to remove temporary encroachment	Five rupees
175		Unlawful making of hole or placing of obstruction in street	Ten rupees
177		Construction, etc., of building without license where street or footway is likely to be obstructed	do

LIBRARY ARCHIVES Kerala Legislative Assembly

SCHEDULE VIII.—(*cont.*)

Section	Sub-section or clause	Subject	Daily fine which may be imposed
1	2	3	4
186	(1)	Failure to obey requisition to round or splay off buildings at corners of streets	Twenty-five rupees
187		Construction of external roofs, etc., with inflammable materials	Ten rupees
206		Failure to keep external walls of premises in proper repair	do
212		Failure to obey requisition to repair, etc., tank or other place dangerous to passengers or persons living in neighbourhood	do
213		Failure to obey requisition to stop dangerous quarrying	Twenty-five rupees
214		Failure to obey notice regarding precautions against fire	Ten rupees
216		Failure to obey requisition to repair, etc., tank or well, or drain off water, etc.	do
218		Failure to obey requisition to cleanse or close, etc., tank, well, etc., or other source of water used for drinking	do
225		Failure to obey requisition to enclose, clear or cleanse untenanted premises	do
226		Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with noxious vegetation	do
227		Failure to secure trees adjacent to house or well	Five rupees
228		Failure to obey requisition to fence building or land, or trim, prune or cut hedges and trees	Ten rupees
230		Failure to obey requisition to lime-wash or otherwise cleanse building	do
231		Failure to obey requisition to execute work or take other action with respect to insanitary buildings	Ten rupees in the case of masonry building and five rupees in the case of hut
235		Unlawful keeping of animal so as to be a nuisance or to be dangerous	Five rupees

LIBRARY ARCHIVES Kerala Legislative Assembly

SCHEDULE VIII.—(*cont.*)

Section	Sub-section or clause	Subject	Daily fine which may be imposed
1	2	3	4
238	(1)	Making noise by musical instruments or otherwise in public streets and other public places for purposes of advertisement	Ten rupees
	(2)	Playing of musical instruments in hotels, restaurants, etc., between 10 p. m. and 5 a. m.	do
241		Use of place as stable, cattle-stand, etc., without license or contrary to license	do
242		Construction or maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary legislation	do
243		Use of place as stable, cattle-shed, etc., contrary to notice issued by executive authority	Fifty rupees
245		Opening of a new private landing place, halting place, bus stand or cart-stand against the provisions contained in sections 245	Twenty rupees
246		Using public place or sides of public street as cart-stands, etc.	Five rupees
248	(1)	Using a place for any of the purposes specified in Schedule V without license or contrary to license	Twenty rupees
249		Unlawful erection of factory, workshop, etc.	One hundred rupees
250		Disobedience of order regarding abatement of nuisance	Twenty-five rupees
253		Use of place as slaughter house without license or contrary to license	Fifty rupees
257		Carrying on milk trade without license or contrary to license	Five rupees
261		Opening or keeping open private market without license or contrary to license	One hundred rupees
263		Sale or exposure for sale of animal or article in unlicensed private market	Twenty rupees
270		Carrying on butcher's, fishmonger's or poulterer's trade without license, etc.	Ten rupees
281	(1)	Using without license a place for the disposal of the dead	Twenty-five rupees

B. V. KRISHNANKUTTY MENON,
Secretary to the Council.

LIBRARY ARCHIVES Kerala Legislative Assembly